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ABSTRACT

Intended as a reference for preventing harassment and discrimination in Ontario colleges and universities, this resource guide describes a project to develop models of alternative instructional delivery and presents the models. Part 1 provides an introduction to the guide, reviews the goals of the project, and describes a related training video containing footage of four of the models in action. Part 2 highlights common themes among and provides the contents of the following five delivery models: (1) the case model, providing participants with descriptions of realistic problems to solve in groups and designed to emphasize cooperative learning and reward group dynamics; (2) social action theater, in which students role-play vignettes about current social problems in their college to encourage viewers to directly confront harassing, discriminatory, and violent behavior; (3) theatrical masks, in which participants experience the feelings of being "the other" by wearing masks in scenarios designed to illustrate the "chilly climate" that can exist in the workplace or classroom; (4) cultural immersion, which provides participants with the opportunity to share their stories of experienced oppression; and (5) two models for French-speaking classrooms involving role playing and the examination of cultural differences through student monologues, songs, or texts. Part 3 provides resources, including selected articles, educational tools, a multiculturalism quiz, frameworks for preventing harassment and discrimination, training manuals, lists of 58 related books and 29 articles, and a list of companies distributing videotapes and films. Appendixes include a list of project members, advisory committee members, and button and poster contest winners. (TGI)

ED 399 977

MODELS FOR CHANGE:

HARASSMENT AND DISCRIMINATION PREVENTION EDUCATION FOR COLLEGES AND UNIVERSITIES

FORMATION POUR LA PRÉVENTION DU HARCÈLEMENT ET DE LA DISCRIMINATION À L'INTENTION DES DÉCISIONNAIRES DES COLLÈGES ET DES UNIVERSITÉS

A Resource Guide and Video

Guide de ressources et vidéo

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MODELS FOR CHANGE: HARASSMENT AND DISCRIMINATION PREVENTION EDUCATION FOR COLLEGES AND UNIVERSITIES/ FORMATION POUR LA PRÉVENTION DU HARCÈLEMENT ET DE LA DISCRIMINATION À L'INTENTION DES DÉCISIONNAIRES DES COLLÈGES ET DES UNIVERSITIÉS

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This project was directed and funded by the Post-Secondary Anti-Harassment and Discrimination Project Coordinating Committee/ Comité coordonnateur du projet de prévention du harcèlement et de la discrimination au palier postsecondaire (PAHDPCC/CCPHDPP). PAHDPCC/CCPHDPP is one of the Ministry of Education and Training's initiatives to support education and training in discrimination and harassment prevention in post-secondary education. The Committee was established in December 1993 by the Ontario Council of Regents (OCOR) and the Ontario Council on University Affairs (OCUA) with members from ten colleges and ten universities. (PAHDPCC/ CCPHDPP members are named in Section 4 Appendix 4.1) A monitoring sub-committee of PAHDPCC/CCPHDPP assisted the advisory committee and the project team throughout the project. Committee members Libby Walters, Anver Saloojee, Gary Warner and Colleen Evetts demonstrated strong commitment to our shared goals and the successful outcome of our initiatives.

Suggestions, feedback, and support for the project was provided by an advisory committee made up of representatives of advocacy and support groups for members of designated groups in Ontario, and representatives of post-secondary institutions who are specialists in anti-harassment and anti-discrimination training and human rights issues. (Advisory committee members are named in Appendix 4.2.)

The models described in this manual have been developed by the facilitators from University of Guelph, Georgian College, Anishnabe Education and Training Circle (Barrie), Wilfrid Laurier University, and Collège des Grands Lacs. The project team is responsible for the content of this manual -- any errors or omissions and a little of the knowledge. The team was led by Wendy Ruemper at Georgian College in partnership with Janet Kaufman at the University of Guelph and Sandra DiCresce at Humber College. The manager of the project was Joan Kotarski and the project assistant was Jean Payne. Both Joan and Jean contributed to the compilation and production of materials for this manual. The senior editors of the manual were Wendy Ruemper, Janet Kaufman and Joan Kotarski; it is their views that are reflected in Section 1 and 2, and in the introductions to the models in Section 2.

The Francophone models and materials were developed or compiled by Malubungi Mueni, Thérèse Boutin, Hélène Carrière, Pauline Chenier, Diane Roller, Rozane Lépine, Georges Daoust and Ian Martin. The other models were developed, led, and illustrated in the video by the facilitators: Leslie O'Dell and Judy Gould and Lynne McNab (theatrical masks), Carm De Santis and Marlene Pfaff (social action theatre), Jim Dumont, Greg McGregor and Pam Reynolds (native way training), and Fred Ruemper, Wendy Ruemper and Sandra DiCresce (the case model). Many people assisted in the development of the case studies, including Helen Ofosu, Mary King, Elaine Kelly, Kate Beatty, Cathy Brown, Judy Watson, Ruthanne Krant, Sandra DiCresce, Bob Moulton, Ken Simon, Carolyn Booth, Wendy Ruemper, Fred Ruemper and Randy Hoffman.

The video was produced by Philip Desjardins Production Ltd. Maureen Levinas and Loraleigh Keashly designed the evaluation of this project. Carolyn Horley created the masks and the drawing on the cover page of the theatrical masks model. Pat Hock assisted in many ways: editing the manual, registering participants for the demonstrations at Kempenfelt Centre, faithfully contributing to our advisory committee. Don McIntosh provided valuable expertise in staff development and the production and use of audio-visual materials.

The poster on the cover of this resource guide was created by Melissa Dietrich and Amy Zoeller from Conestoga College and was one of the winning entries of a PAHDPCC/CCPHDPP sponsored contest. All the contest winners are listed in the Appendix.

We thank all who contributed to this project and the writing and production of this resource guide, including: Rolf Kraiker and the Georgian College Media Centre for offering graphics expertise; Pauline Chenier who provided critical assistance integrating Anglophone and Francophone material and helping our committee communicate more effectively; Naomi Levine for her inspired presentation on academic freedom at the demonstration of this project, at Kempenfelt Centre, Barrie on March 30, 1995; and to those authors who granted us copyright permission to reprint or reiterate their written wisdom in this resource guide.

We also thank our own colleges and universities for actively supporting this project and allowing us the time and resources to help us succeed. We are proud of the leadership our presidents, senior management, union and association leaders, and student leaders have demonstrated in educating decision-makers in the prevention of harassment and discrimination in post-secondary institutions.

Materials included in the Attachments at the back of this manual were provided by the Ontario Anti-Racism Secretariat, Ontario Women`s Directorate, Ontario Federation of Labour, Doris Marshall Institute, National Clearing House on Family Violence, Canadian Mental Health Association and other community groups.

PREFACE

Anver Saloojee Ph.D.

Anver Saloojee is the OCUFA (Ontario Confederation of University Faculty Associations) representative on the Post-Secondary Anti-Harassment and Discrimination Project Coordinating Committee/ Comité coordonnateur du projet de prévention du harcèlement et de la discrimination au palier postsecondaire (PAHDPCC/CCPHDPP). This preface is an edited version of Anver's closing address to representatives from Ontario colleges and universities during the demonstration of the project models described in this manual at the Harassment and Discrimination Prevention Education Training at Kempenfelt Centre, Barrie, Ontario on March 30, 1995. His message inspires us to reflect on how we do anti-harassment and discrimination work, how to explore new possibilities, grasp new opportunities and take action to realize our vision.

"Let us be seized by new possibilities in order that we do not later lament lost opportunities. We have a vision to fulfil and we are accountable to the present generation and all future generations of students and employees for creating harassment and discrimination-free post-secondary institutions...and we have a responsibility for doing it as quickly as possible.

"In the process of realizing this vision we must be seized by possibilities and we must avoid the pitfalls of ethnocentrism and parochialism. We have an obligation to constantly and continuously reflect on how we do anti-harassment and anti-discrimination work.

"The hard work, dedication and creative efforts of the Georgian/Guelph/Humber/Grands Lacs/Wilfrid Laurier team have produced new models and novel ways of doing anti-harassment and discrimination work. In the process of watching and reading about these models we reflect on the tried and true methods we use and hopefully we ask, 'Are there better or different ways of doing our work?'

"Like all models, those presented here have strengths and weaknesses, but this is precisely where their utility lies -- they are provocative, they put us through an emotional wringer, they give us glimpses of what new and creative possibilities lay ahead and some of us are even seized by these possibilities.

"But experiential models run the risk of appropriating the experiences of others, of potentially denying them their voices and even of trivializing their experiences. We, however, must both seize and be seized by the possibilities or we will continuously be turning in the emotional wringer.

"We must take the passion, provide an analytical context to understand it, and use the understanding shamelessly to promote action. Out of passion and understanding must come action. Eliciting passion and allowing it to surface without providing both a structural analysis of harassment and discrimination and an outlet for change is fraudulent and deceitful. We must be cognizant of these pitfalls. The models presented here are experiential and it is essential we use them as a first and necessary step in the broader process of social change.

"What is necessary, therefore, is to undertake two strategies simultaneously:

1. To undertake a coherent systemic approach to anti-harassment and discrimination such that anti-harassment and discrimination is seen as part of a broader process of structural transformation of the post-secondary sector which includes curricular transformation and changing the very composition of universities and colleges here.

2. The structural transformation must be premised on a vision of what a harassment and discrimination-free environment would look like and central to this vision in the post-secondary sector is to reconceptualize academic freedom, university autonomy, institutional accountability, curricular transformation, access and equity; and, accordingly, the prioritization and reallocation of resources.

"But as we do this and as we shake the powers that be and as we demand what is ours by right and as we locate our demands within the best traditions of a democratic society we must be prepared for Resistance and Backlash. And we must be able to recognize the various forms of resistance and how sophisticated the backlash has become. The Backlash is coming from many quarters, most expected, but most surprisingly on occasion from quarters we least expect. We must, therefore, recognize how the Backlash has become more sophisticated and how the ante has been raised.

"The overarching guiding principles of the new vision must be inclusiveness, respect, dignity, equity and access and they must guide and be infused into the very core of the strategic planning process of universities and colleges.

"At the Kempenfelt presentation of the models to representatives from all Ontario universities and colleges and their constituent groups, we were introduced to the new models and much stimulating discussion and debate. We heard from students, faculty, administrators, lawyers, equity and anti-harassment and discrimination practitioners. We emerged with a sense of how these models work. We reflected on their appropriateness, their validity, and their applicability. We have critically assessed them and questioned their location within the broader agenda of harassment and discrimination prevention education. We experienced part of the Native Way training and had to bite our tongues, wait our turns, hear the voices of all reflect on what is said, set aside the adversarial mode and adopt a more consensual mode.

"The models, the video and the manual have more than amply met the objectives of PAHDPCC:

- to encourage participation in the prevention of harassment and discrimination;
- to encourage the prevention and awareness of harassment and discrimination;
- to enable the provision of education and training to the general populace and practitioners responsible for cultivating and enhancing harassment and discrimination awareness within the institutions.

"The models, video and manual developed in this project also speak eloquently to the core messages PAHDPCC/CCPHDPP painstakingly developed and put together.

PAHDPCC/CCPHDPP CORE MESSAGES

- Each member of the campus community is responsible for helping to create an environment which is harassment and discrimination free.

- Work and learning can best be accomplished in an environment of understanding and mutual respect for the dignity, worth, and rights of each individual.

- Colleges and universities have an institutional responsibility to provide a learning and work environment free from harassment and discrimination.

- The harassment and discrimination prevention guidelines are an extension of the Ontario Human Rights Code and complement and enhance the implementation of the Code on campus.

"It is truly remarkable to see how the objective and core messages of PAHDPCC/CCPHDPP are put into practice and the team members must be commended for doing a unique video that reflects both the objectives and the core message -- which reflect and encompass the totality of harassment and discrimination. The core messages seek to make the links between the various forms and manifestations of discrimination and harassment and not to isolate, for example, anti-racism from anti-heterosexism but to see their interconnectedness. A video such as this must reflect the various forms of harassment and discrimination and how they are manifested.

"I challenge you to seize the possibilities afforded by the present climate of increasing awareness to develop strategies to not just target decision-makers but to involve them in the entire process."[1]

Anver Saloojee
March 30, 1995
Kempenfelt Centre
Barrie Ontario.

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[1] Thank you to Delores Cross, President of Chicago State University for introducing me to the concept of being seized by possibilities.

1.0 INTRODUCTION

1.0 INTRODUCTION

Wendy Ruemper
Joan Kotarski
Janet Kaufman

EDUCATING DECISION-MAKERS IN HARASSMENT AND DISCRIMINATION PREVENTION

The project team members believe that the primary obstacle to effective training of decision-makers in post-secondary institutions on the issues surrounding discrimination and harassment in their institutions has not been the lack of strong content or curriculum materials nor the lack of ability, knowledge or expertise of equity and human rights practitioners in the system. Rather, our effectiveness in reaching decision-makers and prompting change in our institutions has been constrained by the paucity of training systems or approaches for effectively teaching decision-makers to respond to these crucial and sensitive issues. To expand our choice of alternative delivery models and to tailor them to the needs of our own post-secondary institutions, we have produced a video and resource manual package that will offer institutions six experiential models to adapt to their own situations. We have labelled our models "the case model", "social action theatre", "theatrical masks","cultural immersion (native way training)", "dramatisation analytique" and "l'identification empathique par l'animation".

Each model requires participants to immerse themselves in real-life situations, to co-operatively discuss and resolve conflicts, and to improve their skills by practising what they have learned in their workplace and then returning to the group for feedback, support and coaching from skilled facilitators. We have integrated the expertise of a project team and advisory committee made up of subject experts, equity and human rights practitioners, staff development specialists, and advisors from constituent groups in our institutions who represent the diversity of Ontario's population. We have produced a resource package to teach our colleagues how to use these models in their own institutions. Representatives from each college and university in Ontario were invited to an intensive training demonstration in March, 1995 to learn how to use the models, the videotape, and the resource manual. These representatives learned, as will future participants in our institutions, by participating in the models themselves.

1.1 RATIONALE

Recognizing the diversity of Ontario's population implies at least two foci. The first, and most apparent, in discussions of harassment and discrimination education and prevention is the cultural and social diversity of Ontario's student population. The second, which has received less attention in provincial planning initiatives, is the diversity of the post-secondary institutions themselves.

Educational institutions and their decision-making groups are not homogeneous. Ontario colleges and universities differ in size, geographical location, rural-urban composition of their catchment areas, and degree of social isolation. These regional differences prompt further variations in institutional social structure, the cultural diversity of the communities they serve, and the nature and scope of educational opportunities open to their students. These structural and cultural variations create distinct organizational cultures and climates within each college and university.

AVOIDING THE AFTERMATH OF ERRONEOUS ASSUMPTIONS

To ignore institutional variations and to proceed with harassment and discrimination prevention education under the assumption that college and university decision-makers are homogeneous in learning preferences and readiness for that training is a risky proposition. It is doubtful that all decision-makers (students, faculty, staff, management, governors) can learn from any single educational methodology. Teaching sensitivity and awareness of human rights issues elicits enough resistance from cajoled participants. As experienced practitioners in the areas of equity, sexual and racial harassment, we believe it is essential that we test our delivery models to ensure their suitability and effectiveness for groups who are struggling with different equity and human rights issues and whose solutions are grounded in different institutional climates.

Our failure to predict resistance in decision-makers' responses to human rights delivery models is analogous to the early feminists' failure to predict resistance to change models created and imposed on minority women by middle-class white feminists. That failure set the feminist movement back fifty years! We don't have fifty years to "divide and persuade" decision-makers to engulf anti-racist, anti-sexist, and other anti-discriminatory practices in Ontario post-secondary institutions.

INSTITUTIONS MAY ADAPT AND APPLY DIFFERENT TRAINING MODELS

Decision-makers, like feminist women, are not a homogeneous group. Varying social structures and environments in post-secondary institutions attract and produce managers and other decision-makers from different educational, cultural, racial and social backgrounds who differ in their interest, knowledge, and training in human rights and equity issues. Why would we expect a single educational methodology to be suitable for all of them?

Many of our training packages have been aimed at educational institutions in large metropolitan areas with assumptions about common client communities, the availability of resources, and similarities of human rights and equity issues. Our package contains a variety of delivery models adaptable to the training needs of all Ontario post-secondary institutions: in large metropolitan areas, smaller urban centres and rural areas -- in all regions of the province.

Post-secondary institutions can test and adapt this package of delivery models to their own needs, the preferred learning styles of their audiences, and respond quickly to issues as they emerge. Our goal is to provide a variety of delivery systems that are effective, convenient, inexpensive, and easily adaptable to post-secondary institutions' changing needs.

PROMOTING INSTITUTIONAL EXPERTISE AND SELF-RELIANCE

Another goal of this project is to enable every institution, regardless of its size, resources, and location, to prepare for and respond to human rights issues quickly and effectively. All of the proposed delivery systems encourage proactive prevention of crises and complaints. They also encourage institutional self-direction; every college and university can use the package to deliver constructive training in many formats with minimal dependence on external assistance.

Strong institutional self-reliance is vital for small institutions and institutions in northern Ontario or isolated areas, for whom the importation of external consultants is difficult and expensive. Removing the financial and distance barriers attached to heavy reliance on external consultation frees institutions to choose and incorporate the most effective training models for their particular communities.

We are not proposing that colleges and universities become more isolated and never consult nor share expertise with others. Rather, we are proposing that training assistance be made easier. For example, institutions could receive assistance from experts in other institutions through electronic mail, video conferencing, telephone or in person -- by inviting a trainer to come to the institution to guide the training or offering expertise in adapting models to individual needs, or by sending a member of the institution to one of the lead institutions to be trained in using or modifying one or more training delivery systems.

STARTING WITH THE SENIOR MANAGERS AND REVERSING RESISTANCE TO CHANGE

A key issue in training decision-makers in strategies for developing and maintaining environments free of harassment and discrimination is recognizing and reversing resistance and fear of change. Change is difficult -- for both the organization and the individuals who work within it. Change strategies must be directed at both the organizational and individual levels; the two are interrelated.

Although some managers may express feelings of powerlessness, research shows that CEO's and senior managers have a great deal of power in setting the cultural climate and influencing employees' behaviour and perspectives. Many are frightened of change, concerned that change may diminish their power in the organization; but change is empowering, not restraining. Through human rights and equity education, decision-makers can learn that power grows when it is shared. They can learn that power can be claimed and used positively to develop more effective educational systems and productive work places built on respect for diversity and free of harassment and discrimination.

1.2 THE PROJECT

GROWTH OF AN IDEA

"Models for Change: Harassment and Discrimination Prevention Education for Colleges and Universities" was developed by Georgian College, University of Guelph, Humber College, Wilfrid Laurier University and Le Collège des Grands Lacs. The project's success derives from it's co-operative, inter-institutional, and community-related base. It has been a collaborative work from it's inception in Guelph, when a group of colleagues from the University of Guelph and committed community partners, met with a representative of Georgian College. At this first meeting, discussion focused on exploring creative ways of educating decision-makers in post-secondary institutions on issues related to harassment and discrimination. The group soon discovered that innovative, alternative educational delivery models were being piloted in several colleges and universities.

The university-college-community cooperation begun in Guelph grew as others joined the group: Humber College, Wilfrid Laurier University, Le College des Grands Lacs, and the Anishnabe Education and Training Circle in Barrie. Together we developed, adapted, filmed, described, and evaluated six training models that have been successful in our institutions. We encourage our colleagues to adapt these models to fit their own institutional needs and culture, but more importantly, we urge them to develop more creative methods for education in harassment and discrimination prevention in their own colleges and universities.

PROVINCIAL INITIATIVES FOR HARASSMENT AND DISCRIMINATION PREVENTION EDUCATION

In response to the Stephen Lewis report on systemic racism, the Minister of Education and Training launched a number of harassment and discrimination initiatives in the post-secondary sector. One of these initiatives was the establishment of an advisory committee by the Ontario Council of Regents (OCOR) and the Ontario Council on University Affairs (OCUA) to coordinate education and training projects that would support anti-harassment and anti-discrimination measures undertaken by colleges and universities. The committee was named PAHDPCC/CCPHDPP (Post-Secondary Anti-Harassment and Discrimination Project Coordinating Committee/Comité coordonnateūr du projet de prévention du harcèlement et de la discrimination au palier postsecondaire). After consultation with major stakeholders in post-secondary education, ten college and ten university representatives were selected as members of the Committee.

The aim of this Committee is to enable initiatives that improve awareness of and sensitivity to harassment and discrimination in the post-secondary sector, and to provide the educational tools for prevention. More specifically, the Committee's objectives are to encourage participation in the prevention of harassment and discrimination; to encourage the prevention and awareness of harassment and discrimination; and to enable the provision of education and training to the general populace and practitioners responsible for cultivating and enhancing harassment and discrimination awareness within the institutions.[2]

OUR PROPOSAL

One way PAHDPCC/CCPHDPP accomplished their aim was to award funding for projects carried out by post-secondary institutions. This resource guide and video are the products of one of these projects. In June, 1993, a proposal titled " A Trilogy of Delivery Models" was developed by an inter-institutional team from Georgian College, Humber College and the University of Guelph. This team proposed to develop, implement, pilot, and evaluate alternative models of delivering effective, innovative, adaptable education to decision-makers about harassment and discrimination prevention. These alternative delivery models would assist Ontario colleges and universities, regardless of their size, resources, or geographical location, to prepare for and respond to human rights issues quickly and effectively.[3]

The proposal identified the paucity of alternative delivery methods to the traditional lecture or question-answer format commonly used to train administrators on human rights legislation and institutional policies and procedures. To avoid the problems of "education isolation" and "inability to transfer new skills and knowledge" to work, school, community, and one's own life situation, we proposed that institutions explore models for harassment/discrimination prevention and equity education. Our proposal was to develop a package of alternative delivery methods and teach others to use and adapt these "reality based" models of training in their own post-secondary institutions.

The models can be used independently or in combination. Each model was designed to:

1. place the participant into a real or simulated situation involving harassment/discrimination or the violation of human rights;

2. involve the participant rationally, behaviourially and emotionally in the situation;

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[2] "What is PAHDPCC? PAHDPCC/CCPHDPP UPDATE, Summer 1994.

[3] "Trilogy of Delivery Models", June 3, 1994:3,4. Proposal submitted to PAHDPCC by Georgian College, University of Guelph and Humber College.

3. clarify the situation, identify the issues, and lead to decisions to resolve the conflict or problem

The models would be videotaped for illustrative purposes, described in detail in a resource guide, and demonstrated to key decision-makers in post-secondary institutions from across the province at a two day training event at Kempenfelt Centre in March, 1995.

THREE BECOME SIX

The three models originally proposed soon expanded to six models. PAHDPCC asked the project team from Georgian College, University of Guelph, and Humber College to add more models to the trilogy -- a Theatrical Mask Model developed by Leslie O'Dell at Wilfrid Laurier University and Francophone models created by Ontario Francophone post-secondary institutions. Accordingly, Wilfrid Laurier University and Le Collége des Grands Lacs joined the project team. Funding was awarded to the project team in August, 1994. Georgian was selected to be the lead institution; it hosted the project, housed the project manager (Joan Kotarski) and research assistant (Jean Payne) and provided administrative leadership and staff support.

The project team and advisory committee proposed that Francophone models be based on the unique cultural and linguistic experiences of members of Francophone colleges and universities. They argued that merely translating anglophone models into French did not address the particular issues of harassment and discrimination education and prevention facing Francophone community members and Francophone post-secondary institutions. To that end, the project team contracted with Le Collège des Grands Lacs to develop training models appropriate to Francophone needs and to describe the content and process for implementing the model in French. A description of the process and content of two Francophone models are included in this resource guide. Time constraints did not permit the piloting, delivery or filming of the Francophone models developed by Le Collège des Grands Lacs in cooperation with a Francophone post-secondary education committee; therefore, the Francophone models (dramatisation analytique and l'identification empathique par l'animation culturelle) are not illustrated in this video. The project team is hopeful, however, that a separate video illustrating the two Francophone models described in this resource guide will be produced by the Francophone committee.

WHY DEVELOP ALTERNATIVE DELIVERY MODELS?

In our view, probably the least effective training models we have used are variations on the "one-time, intensive, big stick" approach. In this model, administrators and faculty are called together for a session (of perhaps a few hours or a day) during which "experts" lecture, threaten, cajole, and/or tempt the subjects to handle human rights issues in their institutions according to a set formula or "universally appropriate rules". These sessions may vary in terms of who the experts are and whether they are "internal or external" experts. They may vary according to the specific topics or issues discussed, whether participation in the session was mandated or voluntary, and the nature of the approach taken -- proscriptive, legalistic, humanistic, collegial, paternalistic, dogmatic, etc. Participants may perceive the training as a comfortable and positive learning experience, as a rather meaningless duty they had to perform, or as a negative experience which encourages them to challenge similar initiatives.

This type of training may also reinforce the attitude: "I already took that training so why should I have to go to another session". Some participants in the "one-time, intensive, big stick training" have had difficulty transferring what little they learned to workplace situations. Because this training tends to be isolated and restricted, participants may have difficulty applying the knowledge to the workplace and their everyday life. Managers who have taken this form of training have expressed surprise when, faced with a harassment complaint, they are reminded of the techniques they learned to deal with these issues -- as if to say, "I never thought of using those techniques. I forgot all about that". To add to the difficulties, trainers may be frustrated or angry with participants who, after the training session "cannot remember what they have been taught".

The problem here is not simply the participant's failure to apply the "great stuff" trainers taught them, nor with the content of the "great stuff" itself. Rather, the problem lies with this model of training. It fails to engage the participants, give them practice applying the concepts they are learning, and assist them in transferring newly acquired skills to real life situations on campus. To be effective, training models must be applicable to learning within the workplace, with continuous feedback, reinforcement, and guidance from colleagues.

Another limitation of this type of training is its reliance on one-way delivery of knowledge. To be effective, education, particularly human rights/equity education, should be interactive and co-operative. Participants in human rights/equity/anti-harassment and anti-discrimination training benefit from the sharing of problems and issues they face, the successes they have had in responding to the issues, and their personal and professional concerns about the process.

Principles of co-operative learning, not usually entrenched in traditional training techniques, can be very effective in human rights/equity education. Participants can use co-operative learning strategies to resolve problems shared across disciplines, program areas, departments and constituent groups more quickly and effectively than if they work alone. Co-operative learning strategies encourage fuller participation in training sessions among participants who feel they have less to offer to the discussion as well as those who feel more knowledgeable about the issues.

Because of the confrontational or resistant atmosphere that often develops in traditional human rights training styles, trainers may be reluctant to allow participants to express their anger, fear or concerns about human rights issues. Trainers often avoid eliciting emotional responses from participants by directing discussion of the issues into an intellectual or academic channel. However, avoiding emotional or controversial debates may not further equity goals. Participants in training sessions often learn by publicly expressing their concerns about issues such as loss of power, academic freedom, and freedom of expression. Venting emotions in a controlled setting may be useful if the facilitator is able to deconstruct the process and examine the issues surrounding participants' resistance, denial, anger and guilt.

An effective training model must allow for participant resistance to harassment and discrimination education. It must also assess potential participant attitudes about current issues on campus, past experiences, and the institutional climate at the time of training -- particularly when emotions around human rights and equity issues are explosive.

Another failure of traditional training methods has been the lack of rigor in setting clear objectives and realistic outcomes prior to conducting training sessions. The specific training objectives and outcomes must be derived from the broader goals of harassment and discrimination prevention education. These goals, objectives and outcomes must be clearly communicated to participants and their supervisors before training begins. They need to know what their role and responsibilities are in the training process; what they are expected to learn; how this knowledge will help them deal with issues relevant to their institution; how they will implement their knowledge in decision-making; and how their performance will be evaluated.

PRINCIPLES OF ALTERNATIVE DELIVERY MODELS

Designing alternative delivery models for harassment and discrimination prevention education must start with a set of basic principles to guide the work within colleges and universities. In developing the training models described in this resource guide and illustrated on the accompanying video, we embraced the following basic principles:

1. Harassment and discrimination prevention education delivery models must reflect Ontario's commitment to equity. All training models must aim to remove systemic barriers that limit or deny access to post-secondary education to members of Aboriginal communities; racial, ethno-cultural, religious and linguistic minority groups; lesbians, gays and bisexuals; persons with disabilities; women; and other disadvantaged groups in our communities.

2. Harassment and discrimination prevention education must be led by collaborative, united groups of stakeholders in colleges and universities: governments, communities, unions, associations, students, and most importantly those people who experience barriers to post-secondary education. These stakeholders must not just advocate training but actively participate in the eradication of all forms of discrimination and harassment in Ontario's post-secondary institutions.

3. This type of education and training challenges our existing institutional structures and prompts reaction from those who resist change. Consequently, controversy and backlash are perpetual challenges for practitioners, trainers and facilitators raising human rights and equity issues. Front-line workers need assistance from key decision-makers in their institutions to meet challenges struck by those post-secondary employees and students who resist and fear anti-discrimination and anti-harassment initiatives. These key decision-makers must continually speak out against resistance, reaction and backlash and demonstrate visible support for the front-line workers in harassment and discrimination prevention.

4. Harassment and discrimination prevention education is a necessary and critical part of colleges and universities overall human rights planning. To be successful, each institution needs a specific strategy to address problems related to harassment and discrimination, human rights and equity issues. Practitioners, trainers, facilitators, harassment officers, special needs counsellors, and other staff and students working to achieve equity in our institutions must work together. Only through cooperative, united efforts can staff responsible for equity, human rights, harassment and discrimination stimulate the growth, understanding and deep commitment within their institutions necessary for success. Since workers in this area learn so much from each other and the situations they encounter, sharing the knowledge of one's direct experiences dealing with discrimination and harassment can build strength within the group.

WHO WILL BENEFIT?

At the immediate level, the primary audience for the resource guide and video are college and university practitioners responsible for areas such as equity, human rights, anti-harassment and discrimination, anti-racism, sexual harassment; counsellors and other staff providing services to students who are members of minority groups; directors of professional development and facilitators or trainers in human rights issues[4]. Persons in these positions can explore training possibilities to meet their goals by watching one or more of the models illustrated on the video and reading in this resource guide the corresponding description of the model and how to use it. From our survey of practitioners in Ontario colleges and universities in October, 1994, we learned that many practitioners felt isolated and unsupported in their work; 91% of the practitioners who responded reported that commitment and support from their college or university was crucial to their work, yet 47% believed that senior level administrators were not committed or knowledgeable about harassment and discrimination issues. Practitioners reported other barriers to their work including under-staffing; poor financial resources; lack of time; lack of adequate power base; and lack of direction, guidelines and effective procedures. Resistance, ignorance, and backlash were reported as serious barriers to practitioners' work.

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[4] In October 1994, questionnaires were sent to practitioners and presidents in every Ontario college and university; 34% of the practitioners and 39% of the presidents surveyed returned their questionnaires. Because of the low return rate, caution must be used in interpreting the findings. Nevertheless, there is evidence to support the informal discussions among practitioners about the diversity and range of their responsibilities. Practitioners in post-secondary institutions may be responsible for very specific issues related to harassment and discrimination or carry a very broad load of "related" duties. In response to the question asking practitioners, "What is your title?" we received 19 different titles from the various institutions. The titles could, however, be grouped into three general categories: those with "equity" in their title, such as employment and/or education equity administrators, coordinators, directors, advisors, consultants; harassment, discrimination and human rights, anti-racism officers, coordinators or directors; and those whose titles indicated more general duties, such as human resources management, labour relations, and administration, or other specific duties such as safety and First Nations services.

The long-term, and more direct, beneficiaries of the activities generated by this resource guide and video are the decision-makers in our post-secondary institutions: senior management, senior faculty members, union and association leaders, student leaders, and community leaders. They are the subjects of the training models -- it is their behaviour and attitudes that lead to institutional change and the elimination of systemic discrimination in post-secondary institutions. As noted by the practitioners surveyed, change must originate from the offices held by the leaders in our institutions.

What is the view of post-secondary leaders on harassment and discrimination prevention in their institutions? The 18 presidents who responded to our survey last fall indicated support for anti-harassment and anti- discrimination work. As evidence, they pointed to policies and procedures in place; designated positions and committees responsible for harassment and discrimination prevention; and training programs, seminars, and special projects on related issues. On a more personal level, presidents who responded indicated they gave support and advice to others; served as positive role models for staff and students; and attended meetings, institutional activities and community events related to harassment and discrimination prevention education. The results of the survey suggest that presidents are responding to resistance and opposition to anti-harassment and anti-discrimination initiatives with patience, dialogue, listening, and avoidance of the more contentious issues of academic freedom and equity targets. A few of the presidents who responded did not think harassment and discrimination was an issue at their institutions; but this was clearly a minority view. Others expressed concern about inadequate strategies to deal with problems of racism, sexism and other forms of oppression and inequality, and they asked for help and support in preparing students and staff to deal with the contradictions and paradoxes in their institutions' promise of equality. The models described in this resource guide are one way of providing help and support to institutional leaders and or initiating positive change.

The ultimate beneficiaries of the ideals, principles, practices and methods animated here are the victims of harassment and discrimination in our institutions. Our goal is to teach those in positions of power in Ontario colleges and universities to recognize the consequences of any employee's behaviour (albeit purportedly unintentional) and attitudes that perpetuate systemic discrimination in their post-secondary institutions. Leaders in positions of power must actively support their staff in developing and adapting effective delivery methods for educating their employees and students in anti-harassment and anti-discrimination.

1.3 THE MODELS

The six alternative delivery models described in this resource guide are summarized below in French and English.

i. ÉTUDE DE CASE

Une équipe de Georgian College et Humber College formée en techniques d'intervention aidera des petits groupes de discussion à identifier, à comprendre et à résoudre des plaintes relevant des droits de la personne tels que présentés dans une variété de courtes études de cas. Les personnes participantes mettront en pratique ce qu'elles auront appris à leur propre milieu de travail.

i. CASE MODEL

The case model was developed by Georgian College and implemented by faculty and administrators at both Humber College and Georgian College. Using this model, participants discuss cases of human rights complaints typical of their own institution. Trained facilitators and specialists in human rights, equity, human resource management, counselling and special needs assist in developing the cases and work with small groups during the training sessions to identify, analyze, and resolve issues of individual and systemic discrimination. At Humber and Georgian, senior managers, middle managers, union leaders, student leaders, and over 400 faculty members have been trained using this model. Participants are expected to apply their knowledge to harassment and discrimination issues arising in the workplace. The initial results of this approach are promising when combined with other training in conflict resolution, alternative dispute resolution, and adjudication. In this model, the emphasis is on team work, cooperation and providing a network of people within the institution to provide information and/or support for combatting and preventing harassment and discrimination.

ii. THÉÂTRE POUR L'ACTION SOCIALE

Des étudiants et étudiantes en théâtre de l'université de Guelph présentent des situations qui illustrent des expériences vécues dans des collèges et des universités, telles que le harcèlement sexuel. Suivant la présentation, les comédiens et comédiennes maintiennent leur rôle et répondent à des questions de l'assistance. Des personnes formées en techniques d'intervention théâtrale animeront cette période de questions et de réponses.

ii. SOCIAL ACTION THEATRE

The University of Guelph has used drama as an educational tool for students and staff. Scripts are developed to look at harassment and discrimination using an interactive educational technique. Detailed scripts included in this resource guide discuss issues of date rape and date violence, sexual orientation, and sexual harassment in the classroom. The amateur actors research an issue related to discrimination and harassment and then write the scripts. The pilot scripts are then given to "experts" to critique before they are performed in front of public audiences. After each public performance, the audience is invited to ask questions of the characters in the scripts. The actors stay "in character" to answer the questions. Trained facilitators prepare the audience for the performance and skilfully guide the discussion between members of the audience and the actors, ensuring the message "discrimination and harassment are everyone's responsibility" is clearly heard. The facilitators also provide information about services and resources available on campus for victims of assault, discrimination and harassment.

iii. THEATRICAL MASKS

This model uses theatrical masks to allow participants an awareness of the experience of being "the other" in a workplace or study place, what has become known as "the chilly climate". Out of this awareness comes a rich and wide-ranging discussion of the nature of discrimination and harassment in any given institution and the development by the group of creative strategies for reducing the chill.

iii. ATELIER DE MASQUES DE THÉÂTRE

On utilise les masques théâtrals dans ce modèle afin de sensibiliser les participantes et les participants à l'expérience d'être "l'autre personne" en milieu de travail ou en milieu d'étude. C'est ce qu'on a surnommé "le climat de froideur". De cette sensibilisation, en sont ressortis une discussion diversifiée en terme de discrimination et harcèlement ainsi qu'un développement de stratégies creatives au sein des institutions. Ces stratégies ont été développées par le groupe afin de réduire l'impact de froideur.

iv. IMMERSION CULTURELLE

Ce modèle démontre comment deux cultures diffèrentes peuvent apprendre â travailler ensemble dans un environment postsecondaire. Les personnes participantes autochtones et non autochtones intègrent des méthodes d'enseignement et des styles d'apprentissage autochtones traditionnels aux aptitudes génériques et technologiques nécessaires pour fonctionner dans la société canadienne contemporaine. Les techniques utilisées se fondent sur le modèle de formation Native Way mis au point par le Cercle d'éducation et de formation Anishnawbe en collaboration avec le Georgian College. L'intervenant est le professeur Jim Dumont.

iv. CULTURAL IMMERSION MODEL

This training method is based on the Native Way Training model developed by the Anishnabe Education and Training Circle in conjunction with Georgian College. Diverse groups of people are brought together to attempt, at a personal level, to break down the barriers created by power imbalances that exist between groups and individuals. In this model it is critical that half of the participants are First Nations people and the facilitator is a First Nations person with sound knowledge of the experience of Aboriginal people. The initial training was twelve days over a six month period. The subsequent training was an intense four days.

v. FRANCOPHONE MODELS: LA DRAMATISATION ANALYTIQUE ET L'ANIMATION CULTURELLE

French language and bilingual post-secondary institutions in Ontario are offering two models in this project. One is based on role playing by the participants based on case studies taken from the annals of participating colleges and universities. The second model looks at harassment and discrimination through cultural differences articulated either in a monologue, a song or a short text. It is more lighthearted and invites the participants to a discussion on prevention and intervention. Both models require the presence of a facilitator.

v. LES MODÈLES FRANCOPHONES: LA DRAMATISATION ANALYTIQUE ET L'ANIMATION CULTURELLE

Les institutions postsecondaires francophones et bilingues ontariennes proposent deux modèles. Un premier qui se veut une dramatisation analytique basée sur des études de cas. Les participants et participantes sont invités à prendre part à des jeux de rôles modelés sur des cas réels et dont l'intention est à la fois de former les responsables en prévention et en intervention en matière de discrimination et de harcèlement. Le deuxième modèle, plus léger et parfois même comique, s'articule autour des différences culturelles. Ainsi, à partir de récits d'expériences personnelles, de chansons ou de monologues, les participants et participantes sont invités à une discussion sur les mécanismes de prévention et d'intervention. Les deux modèles nécessitent la présence d'un facilitateur ou d'une facilitatrice.

1.4 FORMAT OF THE MANUAL

The purpose of the manual is to:

- describe the six training models developed in this project,
- provide information to guide other institutions in developing similar models suitable for their needs,
- encourage others to initiate, pilot, evaluate and distribute information about alternative educational delivery models, and
- suggest other approaches and resources that may assist institutions formulate their own strategies for harassment and discrimination prevention education.

The manual is divided into five sections:

1.	**Introduction**	The introduction describes the development of this project with the assistance of the provincial government, the need to develop alternative delivery models for harassment and discrimination prevention education, the principles upon which the models are based, a summary of the six project training models, and a guide to the use of the resource guide and the video.
2.	**Project Training Models**	In the largest section of the resource guide, the facilitators of each of the training models describe the process and content of their model and direct the reader in how to use or adapt the model for their own institution. These directions will guide facilitators in implementing the six models: the case model, social action theatre, theatrical masks, cultural immersion and dramatisation analytique et l'identification empathique par l'animation culturelle.
3.	**Resources**	Resource materials include a bibliography of print materials, reprinted articles, books, pamphlets, training manuals and videos.

4.	**Appendix**	List of PAHDPCC/CCPHDPP Members List of Advisory Committee Members List of Francophone Committee Members List of Winners from PAHDPCC/CCPHDPP Poster and Button Contest
5.	**Attachments**	Buttons, pamphlets and other print materials from the Ontario Anti-Racism Secretariat, Ontario Women's Directorate, Ontario Federation of Labour, and PAHDPCC/CCPHDPP.

A NOTE ON LANGUAGE AND PERMISSION TO PHOTOCOPY

Critical awareness of the language we use and how it is interpreted is essential in harassment and discrimination prevention education. There is considerable debate about the use of language in harassment and discrimination prevention education (for a fuller discussion of this issue see Section 2.1 Common Themes). The language and terminology used to identify particular groups throughout the manual have been made consistent wherever possible. There are some deliberate variations in terminology in recognition of the fact that there is no one term that is accepted by everyone in a group and in sections written by individuals who describe themselves in a particular way. We recognize that our choice of labels and language may be subject to criticism and debate.

All materials in the manual may be photocopied freely except for the articles reprinted in Section 3.1. The authors should be contacted for permission to reproduce any of the articles in 3.1.

1.5 VIDEO: "MODELS FOR CHANGE" Phil Desjardins Productions 1995, 56 minutes

The videotape illustrates four of the training models described in this resource guide: case model, social action theatre, theatrical masks, and cultural immersion. It is designed to show those who are interested in preparing and delivering harassment and discrimination prevention education in colleges and universities examples of some alternative delivery models being used by similar institutions in Ontario. Since the video can only give you a glimpse of how the training models work, the resource guide has been designed to accompany and provide the essential information required to deliver the models. The video is not intended, nor is it sufficient, to be used alone as an independent training tool for participants. However, the video itself is a valuable documentary of the development and delivery of the models for this project.

The videotape is divided into four segments, one for each model, presented in the same order as the descriptions of the models in this guide. The segments may be viewed separately as you read about the models in the resource guide. Or to get an overview of the variety of models and the overriding issues discussed in the videotape, you may first wish to watch it in its entirety. The videotape includes footage of actual workshops conducted during the fall and winter of 1994-95, and interviews with decision-makers, practitioners and workshop participants. The models are not static entities but evolving ways of delivering essential messages about harassment and discrimination prevention in universities and colleges. The video captures the presentation at only one place and moments in time. Each time the models are presented, they differ in script, context, and process as the facilitators adjust the presentation to the issues, participants, and situations in the institution at the time.

A VHS copy of the video with open captioning can be borrowed from Georgian College Learning Resource Centre, One Georgian Drive, Barrie, Ontario L4M 3X9. Contact Marg Todman at (705)728-1968 (1666).

2.0 PROJECT TRAINING MODELS

2.0 PROJECT TRAINING MODELS

2.1 INTRODUCTION

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Section 2 presents the process and content of each of the training models in this project. Here, the models are discussed in the same order as they appear in the accompanying video, so the reader can watch an illustration of each model while reading about it in more depth. The models were written by the facilitators to provide other institutions with a blueprint to implement a similar program, adapted to their needs, on their own campuses. These models can form a valuable part of an overall harassment and discrimination prevention education training strategy. All of the facilitators of the models have offered to assist other institutions in learning how to implement their particular model of training. The names and phone numbers of the facilitators are listed at the end of each model.

The six models were demonstrated to representatives from Ontario colleges and universities during the Harassment and Discrimination Prevention Education Training at Kempenfelt Centre on March 29 and 30, 1995. Evaluation surveys from the demonstration were collected and tabulated by the Project Assistant, Jean Payne. Forty-five per cent of the participants at the demonstration event responded to the questionnaire. The evaluations were overwhelmingly positive. The respondents agreed that the models met the project's objectives: 83% of the respondents said the models encouraged participation in the prevention of harassment and discrimination; 87% said the models encouraged creativity and enthusiasm for the prevention of harassment and discrimination; 79% said the training increased their knowledge of the issues involved in doing harassment and discrimination work; 71% declared that the training is relevant to their daily work. The training was described as creative, informative, peaceful, and non-threatening. Many of the participants appreciated the network opportunities provided at the training with both colleges and universities working together.

Nevertheless, respondents were discouraged by the lack of involvement of senior decision-makers who had been invited to the training session. Although every president of a college or university in Ontario was specifically invited to the demonstration training, only one president and a few vice-presidents attended. As discussed further below, practitioners are concerned about lack of support from senior decision-makers in their institutions for anti-harassment and discrimination work. A few participants expressed concern about how some of the models would be accepted as a method of training in their institutions; some thought decision-makers in their universities or colleges may be reluctant to engage in the more affective workshops, such as theatrical masks. In general, however, the respondents indicated the training in the use of the models at Kempenfelt was useful to them and they could use the models for harassment and discrimination prevention education in their own institutions.

COMMON THEMES

1. Participants are Adult Learners

All of the training models for this project reflect a training approach based on the principles of adult education - they are interactive, participatory and co-operative. As the models unfold in the manual and on the video, we begin to see each of them on a continuum of experiential learning, moving from a less intense to a more intense affective experience. For example, the first model, based on the case study approach, is a familiar, rational format to most participants. The format allows them to step back from the situation and analyze a "hypothetical" situation from a fairly objective, removed stance. At the other end of the continuum, the cultural immersion model requires participants to interact on a more personal, social and emotional level; it is difficult for participants to maintain a distanced perspective and remain uninvolved in the process, particularly if the immersion experience is intensive and lengthy.

All of the training models are based on the premise that participants have valuable experience and knowledge to share. Participants are asked to share and build on their collective experiences to create new knowledge. Facilitators weave divergent views and experiences together, encouraging discussion of alternative strategies and building stronger collective solutions to issues of harassment and discrimination.

2. Facilitators must be Highly Skilled

To be successful, facilitators must be skilled in shaping constructive group experiences. The skill base can be augmented through co-facilitation. Our collective experience in leading workshops using these training models suggests that the most successful sessions are those where two or more facilitators work with the participants. Co-facilitators should bring varied experience and expertise to the sessions but they should share these traits:

- a good understanding of the principles of systemic discrimination and oppression, how they are expressed in their institution and in the broader society, and strategies for counteracting their affect in college and university life;
- knowledge of harassment and discrimination prevention education concepts, theory and techniques;
- be informed about institutional and community resources which assist and advocate for victims of harassment and discrimination;
- be strongly committed to principles of equity and human rights; and
- have strong interpersonal communication skills and an understanding of group processes.

To successfully facilitate harassment and discrimination prevention education, it is not enough to be merely interested in the topic. Successful facilitators must be strongly committed to the principles inherent in this work and continuously increase their knowledge, improve their skills, and evaluate their delivery methods. Successful facilitators should also:

- understand internal decision-making and influence systems;
- be able to recognize issues of power and privilege in their institutions;
- be creative;
- be comfortable with ambiguity;
- have a sensitive sense of humour;
- be good organizers;
- have good presentation and teaching skills;
- be patient and;
- use adult education principles and practices.

3. Critical Awareness of Language

Critical awareness of the language facilitators use in their training sessions is a third common theme in the discussion of the six training models depicted in this manual.

"Awareness" refers to the acquiring of information and learning about current debates and discussions of the issues. First, educators, facilitators and practitioners must be "aware" of the importance of continually seeking further information to expand their knowledge and understanding of the diverse experiences of members of ethno-social-cultural groups. Second, they also must be "aware" of the on-going debate and discussion around issues relating to harassment and discrimination prevention and education. Some of this discussion has focused on the use of language and labels (and how they are defined and perceived); strategies to encourage social change and to counter others' resistance to change; the role harassment and discrimination prevention educators play in perpetuating the existing system and /or bringing about change; and who the educators, practitioners and facilitators in anti-harassment and anti-discrimination prevention should be.

"Critical" refers to how the increasing knowledge, discussion and debate should be received and analyzed. The knowledge and discussion must be examined critically by asking questions such as: what information and opinion is being expressed, who is the source and perpetuator of the information or perspective, and what outcome is anticipated?

Critical analysis of information, and debate about harassment and discrimination must be done within the socio-economic and political context of the situation. We must also critically analyze our own views and positions within the college and university system. Although facilitators of anti-harassment and anti-discrimination training may feel confused or disillusioned when their efforts are criticized, critical analysis is vital. We have much to learn from other's critical analysis of our work; and even more to learn as we begin to critically examine ourselves and our work.

4. Critical Awareness and the Use of Language

Critical awareness of the language we use and how it is interpreted is essential in harassment and discrimination prevention education. Our choice of labels and language is often subject to criticism and debate. We can learn from this debate. As Judge Rosalie Abella wrote: "No great principle is sacrificed in exchanging phrases of disputed definition for newer ones that may be more accurate and less destructive of reasoned debate." [5]

And, as educators, we try to keep up with changes in language. Governments, advocacy groups and others continue to publish language guides with lists of "appropriate" labels and terms for referring to or interacting with members of designated groups. Scholars debate the historical roots and meanings of words. Institutions are buying videos to instruct their employees about communicating with clients of different social, ethnic, cultural, linguistic and religious groups.

Nevertheless, there is still considerable debate about the use of language in harassment and discrimination prevention education. Many people see this challenge as overly sensitive, argumentative, disruptive and negative. Some people say they are confused -- "I don't know what to say anymore". Colleagues tell us they are "afraid to speak" or they preface language with a derisive referral to being "politically correct".

Others have redefined the issue as more than just a debate about the evolution of language. They argue that language and labels are constructed to oppress minority groups and disfranchised people. If this is the case, as we learn more about how different social, ethno-cultural, and religious groups experience life, we may improve our ability to analyze critically the effect of language, labels and stereotypes on individual's experiences in colleges and universities.

Many people do not understand why some words are offensive to others. For example, people commonly use the word handicap without recognizing its origins. It means "cap in hand" (begging) and connotes living on the kindness of others, being unable to provide for oneself, having no valuable skills, knowledge or ability, being dependent on others and in a precarious position of vulnerability and powerlessness. Use of the label "handicap" can impede individuals from acquiring the skills and status available to others in society.

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[5] Rosalie Abella. Equality in Employment: A Royal Commission Report. Ottawa: Ministry of Supply and Services, 1984:7.

The terms "differently abled" or "disAbled" infer that able-bodied is the norm and to be different is to be deviant. Some people prefer DisAbled to differently abled because it uses the capital "A" to focus attention on the "Able" part first. Other " people with disabilities" prefer this latter term because it identifies them as people first, with different capabilities. Other terms which may offend individuals are "wheelchair bound or confined to a wheelchair". "She uses a wheelchair" or "he moves with the aid of a wheelchair may be preferable first because they recognize the person first, not their different ability[6].

However, do not assume that individuals who are assigned to a social, physical, cultural, ethnic, religious, or any other socially imposed "category" will accept a particular identifying label -- regardless of whether the label was "selected" by those within that category or applied by outsiders. Nor can we expect individuals to share a common view on any topic if all they have in common is their assignment to a social category. For instance would we expect all white, able-bodied men to share the same view of employment equity legislation? or all women to agree on the ethics of abortion? or all people who experience clinical depression to self-identify as having a disability? or all Francophones to support a referendum for an independent Quebec?

Consensus about "appropriate language" is impossible to achieve. Yet, the imposition of labels on categories of people has been socially determined and, in some cases, legally entrenched in our society (for example, the definition of "designated groups" in Ontario). Damaging labels, stereotypes and demeaning language are oppressive, self-fulfilling, self-perpetuating instruments of harassment and discrimination. There is no question they must be confronted and eradicated in harassment and discrimination prevention education. How, then, do we use language which is not oppressive,

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[6] Concern about the language of disability stems from the inherent meanings of words which often reinforce the perceptions of people's incapacities rather than their capacities. The Health and Activity Limitations Survey, 1991 used the World Health Organization's definition of disability, which is "any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being. (Statistics Canada. Adults with Disabilities: Their Employment and Education Characteristics, 1991 Health and Activity Limitation Survey. Ottawa: Ministry of Industry, Science and Technology, 1994.

Anne Bishop in Becoming An Ally: Breaking the Cycle of Oppression . (Halifax: Fernwood Publishing, 1994:126-136) offers a more critical language of disability:

- Ableism: A social/political/economic/ideological system that allows physically able people to exploit people with disabilities.
- Deaf/Hearing: Deaf people who identify with their own highly developed culture and language call themselves "Deaf" with a capital "D". The privileged group responsible for their oppression are "hearing". When the reference is simply to someone who can or cannot hear, they are called "hearing" or "deaf".
- People with disabilities: The large and varied group known as people with disabilities includes people who suffer from completely different forms of oppression. Those who move with the aid of wheelchairs face very different types of discrimination from those who suffer chronic pain, those whose mental abilities are different from the majority, or those who are deaf.

Lana Frado in Diversity Works: Accommodations in the Workplace for People with Mental Illness. (Toronto: Canadian Mental Health Association, 1993:3) provides workplace guidelines for language about mental illnesses:

- Avoid using abnormality or difference to describe someone as if it is the full description of the person. "She's a schizophrenic."
- Avoid terms that suggest pity or fear. "She's a victim of schizophrenia."
- Don't use slang or common terms that are demeaning. "Insane, crazy neurotic..."
- More appropriate statements would be: "Person with a psychiatric disability; Person who has schizophrenia."

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offensive, nor stereotypical and still confront the consequences of labelling individuals who have been designated as members of a minority group, and then ascribed stereotypical characteristics?

Critical awareness is one tool. We can acquire accurate information about language and its meaning to others and critically analyze the assumptions and implications of using particular language in harassment and discrimination prevention education. The following points provide a guide for developing critical awareness:

1. Take responsibility own information-gathering, consult materials from a variety of sources and learn about language before beginning an education program. Participants who are victims of offensive language need not be our teachers.

2. Consult with a variety of individuals who have been victims of offensive language as a result of their identification as members of a designated category.

3. Recognize that individuals labelled as members of a designated group, such as "Aboriginal people", do not agree on common labels. Consider carefully the debates about labels among individuals ascribed to a particular group; look for differences in views as well as consensus on language.

4. Do not over-generalize or perpetuate stereotypes.

5. Avoid ethnocentric thinking. Analyze your own biases and their roots in socio-economic and political structures.

6. Examine language within the context of existing systems of power, control and privilege that perpetuate harassment and discrimination.

Following these guidelines will not eliminate challenges to language used in harassment and discrimination prevention education; but becoming critically aware of the effects of language is essential to the success of this type of training. Informed, sensitive use of the language of anti-harassment and anti-discrimination reflects the speaker's understanding of the field and her/his own base of power and privilege.

5. Evaluation

Evaluation is an essential part of any work, especially education, which has as its goal the prevention of harassment and discrimination. Each model was evaluated by the facilitators and changes made according to the feedback received. The facilitators of each of the models described in the manual have developed their own methods of evaluating their respective models. Some of the models include a short questionnaire which can be distributed to workshop participants following the workshop. Other less formal methods of evaluation are discussed within the descriptions of the models and include assessments of the process of planning and implementing a workshop.

In this introduction to the project training models, we discussed the common elements of harassment and discrimination prevention education. Sections 2.2 to 2.6 contain detailed descriptions of each of the models.

The Case Model

MENTAL ILLNESSES
RACISM
CENTENNIAL COLLEGE
AIDS POLICY
Sexual Harassment on Campus
A Preventive Guide for Gradua
Students
Sexual Harassment and You
DISCRIMINATION AND HARASSMENT
WHAT CAN I DO ABOUT IT?
1 RACISM IN HARD ECONOMIC TIMES

2.2 THE CASE MODEL

In the case model, participants are given descriptions of realistic problems to solve in a group setting. The model stresses cooperative learning and rewards effective group dynamics. Because it follows traditional methods of learning, is indirectly derived from the Harvard business case models and more directly derived from the human rights case models used by equity practitioners for a decade or so, it is familiar to most managers. The human rights case models used to train Ontario trainers and participants in human rights issues, pay equity, race relations, employment equity tend to be shorter than the traditional business cases (often just one paragraph of four or five sentences). These human rights case models are often based on key legal decisions or legislation, and are often followed by many questions asking the participants to identify the particular problem and suggest remedies. Because most participants are familiar with the case format, little time is required to explain the method; however, some participants may be concerned if the cases you develop do not provide as much detail as the traditional Harvard style case.

In case study workshops, facilitators briefly introduce the basic theory or principles to be established in the session and then immediately give the participants the first case and the task of developing an effective management strategy for responding to the situation. Facilitators work with the groups to guide their discussion in the key result areas. Depending on the area addressed in the case, participants are given tools to help them with their analysis. The tools include documents such as condensed versions of the Human Rights Code, institutional policies and procedures, and assistance on methods of analysis. The workshop facilitator periodically provides very short lectures to supplement the tool kit or to help resolve common issues. Each case discussion ends with a plenary session in which the groups share their solutions and issues raised with the other groups.

In this section, Wendy and Fred Ruemper first describe the methodology used in developing a case model for educating decision-makers about harassment and discrimination prevention. They provide guidelines and formats to create case models in other institutions. In the second part of this section, they provide examples of cases used in workshops at different institutions to illustrate the variety of techniques and stories that may be used in harassment and discrimination prevention education and encourage readers to explore others.

Fred Ruemper, M.Ed.
Wendy Ruemper, Ph.D.

Time: full workshop -- approximately 3 - 6 hours depending on number of cases presented

HOW TO DEVELOP A CASE MODEL

1. Specify your Training Goals

The immediate goal of our training is to help decision makers develop the knowledge, perspective and skills required to prevent harassment and discrimination in their colleges and universities. Part of the task is to support the workshop participants in bringing (sometimes unwelcome) change to their institutions and implementing better ways of responding to issues of harassment and discrimination. It is important for the facilitator to recognize and acknowledge difficulties the decision-makers face in implementing change, and discuss strategies for them to use in responding to employees and students, who may resist their efforts.

Our long term goals are more ambitious. We want to see a shift in attitudes and behaviour which would reduce or eliminate the need for training in human rights, discrimination and equity issues. We do not pretend that using this model alone will result in such a major shift in the value systems in your institution. But attaining this ultimate goal is the driving force behind all the training we hope to stimulate in other post-secondary institutions by sharing our successful initiatives.

2. Identify Issues in your Institutional Culture

First assess your own organizational culture and value system. Then explore approaches that work best in your organization and in interacting with the larger community. Determine which issue(s) you want to address. Our experience working with this model in three institutions has shown that we cannot assume that institutions (or even departments within institutions) identify common problems or share common resolution strategies. Issues related to harassment and discrimination prevention vary with the cultural, racial, religious and gender make-up of the institution, relationships with the external community, institutional structure and culture, and historical patterns of response to human rights and equity issues. A burning issue in one institution may have long been solved in another institution in the same community.

3. Consider Internal Differences

A related challenge exists with variations within institutions. Different schools and departments face quite different problems. Senior management, middle management, front line supervisors, service people, faculty and other professional employees, students, and advocacy groups for minority populations may interpret problems and solutions very differently. In creating models within our own institutions, we have learned that attending to these internal differences is vital in preparing case material. If this stage is neglected or poorly handled the participants may find the whole exercise irrelevant to their needs.

Because the process of identifying the issues in an institution is difficult, perhaps even embarrassing or painful, there may be resistance to early initiatives -- so call others "on board". It is important to draw together a resource group of people from various parts of the institution and the community who represent the different interest groups concerned or affected by the issue addressed. For example at Georgian College we gathered together a human resource consultant, a human rights consultant, a native counsellor, a union steward, a front line manager and faculty members (with good memories of "horror stories") who included members of designated minority groups. From our initial discussions of horror stories, we were able to pull out common themes and problems the College needed to address.

4. Gather Stories (case content) from Various Sources

Don't rely on only the publicized or more controversial cases that become gossip topics. An examination of the actual cases which "came to trial" may also be misleading as this is a very select subset of all the problems that abound. We have observed that most problems and issues are inadequately documented and we needed to go beyond any actual written reports. People involved in the cases found that most information was not recorded or if it was, was inaccessible for case writing. However, since most cases of harassment and discrimination never reach a formal complaint stage nor are publicly debated, informal discussions with students, faculty, counsellors, managers, etc. will produce a variety of examples which provide a framework for good case studies. And this can be facilitated through personal contact with those familiar with the issues.

Concerns about breaching confidentiality may limit discussion of "horror stories" and the content to be disclosed in cases written for training; but it should not be an impediment in identifying the issues. To ensure confidentiality, members of the project group must be discreet in their conversations.

An alternative approach might be to have one trainer go around and interview people in a position to know what the issues and problems are. This may not allow the more intensive interaction of the project team approach, which we found helpful, but it may provide useful data.

Design cases to fit the needs and cultural context of the participants and the institution. Be sensitive to problems of labels, stereotypes, and the messages and assumptions group members may associate with particular names of characters, places, etc. you use in the case story. Once the "fit" has been established, the planning group can integrate the goals, key issues, cultural context of the institution, with institutional "stories" to make a particular point.

For example, if the goal is to train senior management about your institutional harassment and discrimination policy, you will identify the particular purpose of the case, i.e. how to conduct an investigation, chair a formal hearing, rules of evidence, the basis of decision-making, write a final report, and so forth. Or your goal may be to teach faculty about new legislation and case law which may impact on their professional duties.

Whatever the issues, it is useful to specify the goals appropriate for each area of the institution to be trained. With the goals specified (e.g. to teach management about their legal responsibility to maintain a positive environment) the issues clarified (e.g. homophobic graffiti in washrooms) then you have the basis to write the case story.

5. Use "Home Grown" Cases

The salience of the issues and stories in the cases to the everyday life of the participants is a vital element in the learning process. Participants become deeply involved because they recognize that it could be them in the case or that a colleague of theirs was involved in a similar situation. The case method is an especially powerful learning tool when you work with cases derived from you own institution's experiences. This added salience counters the argument some participants make about particular issues being irrelevant: for example, the sceptic who announces to the group "this may be an issue in Toronto but not here, and I think this is a waste of our time".

We believe it is vital that cases reflect the participants' potential experiences and culture of their own working and learning environment. Participants in this training model want the cases to deal with the issues important to them, in their own working area and of immediate concern to them. The key to the success of the case model is the perceived immediate value of the issues and the familiarity of the stories to the participants.

Writing cases may seem like a formidable challenge but the effort is worth it. One difficulty may be a concern that the case will expose in written form embarrassing problems or suggest a history of difficulty at the institution. For these reasons, opposition may tempt you (as it did us) to take cases from other sources that seem more removed from your institution's immediate issues and allow participants to distance themselves from emotions connected with real cases.

This has been enough of an issue in this project for people to question whether we should include examples of cases as illustrations in this manual. We decided that, in fact, the best tool to assist you in writing your own cases was to include as many examples as we possibly could of the cases we have developed in our institutions. In reading the cases, you may feel that our stories or issues are not your stories or issues -- and that is precisely our point. They are our stories, our issues. You must write your stories, your issues. But, we can give you some ideas and examples of what we have found works in our culture.

6. Keep the Cases Short and Concise

Following the human rights model rather than the Harvard business model, most of our cases are relatively short, concise and address an issue directly. Cases we have used range in length from a couple of pages to four or five sentences. Participants complained that the very short cases did not provide enough information and long, rambling cases included too many details that confused the central issues.

We have also found that using the case method in the classroom with a business or social science focus often prompts complaints from students about the amount and nature of the information provided. Typically, students ask for more information and worry that there is some hidden information that the instructor is keeping from them. Some participants in the case method believe they do not have enough information yet feel they should not "make up" any additional information in their discussion of the issues. In any event, we have found that providing more information has not been the solution, because the next group tends to want even more.

Perhaps participants' questions and concerns about the content of cases are more an indicator of their involvement and interest in the story and their struggle in resolving the issues. If so, reassurance about their ability to discuss the case and a few guiding questions may relieve their concern and help them move along. Or you might remind participants that the problems and information in the cases are presented in the workshop as they are in real life, where knowledge is incomplete.

7. Tackle One Issue at a Time

Each case should be focused on preferably one and no more than two issues -- unless the participants are particularly sophisticated about the issue. In analyzing a case the participant should be able to identify the issue and recognize events that ought not to be happening. This means that a case has to be more than just a description of something that seems vaguely interesting -- it must make an identifiable and compelling point.

This point or issue for analysis may focus on one of many issues that could be derived from the case story. For example, a university may have just faced a law suit based on a complaint of harassment. The litigation arose after the complaint had been heard internally and was dismissed as frivolous. The university's lawyer, in reviewing the case prior to going to court, discovered the academic administrator who had heard the complaint had not followed the institution's own policy in handling the case. Although the lawyer believed the action taken by the manager seemed reasonable, the manager's failure to follow the established procedure meant the university's position in a court case would be very weak. The lawyer advised the college to settle out of court and the university agreed.

In developing this case analysis, you might decide to focus discussion on the issue of training management in the institution's complaint policy. Side issues might involve a review of procedures and institutional support systems for complaint management.

Quite separate issues might be an examination of the actual complaint to determine its validity and then how the college or university might proceed differently. These latter issues are best handled separately, perhaps in a different case. By introducing this information into the original case involving the litigation, participants may get lost trying to sort out what the central point of their discussion should be.

A good strategy to handle a number of issues within a particular case story or situation is to divide it into parts for analysis. The first part could evolve out of the issue surrounding the law suit and focus attention on the need to follow one's own rules followed by a second part built out of the original complaint with the participants investigating the case to see if it is valid. If it is, a third part could confront the issue of harassing behaviour by members of the institutional community. The focus of this third part could evolve around the identification of training needs about institutional policy concerning acceptable and unacceptable behaviour and the consequences of deviance. This separation of the case into parts allows an examination of the issues at each stage.

8. Explore Different Case Formats

Several related issues in a situation can also be analyzed using a progressive case format. In this format the events are revealed to the participants in stages. An example of a progressive case is included in the accompanying section of case illustrations. The main advantage of the progressive case format is that the participants do not need to be given fresh background information for each issue, rather the issues build on prior events in the case.

Another format is role-playing. Role play encourages participants to become more personally involved in the issues than in the traditional case method where the participants approach the case from the more distant, third-person view of the observer or evaluator. In a typical role-playing case the participants are given a part to play as well as a problem to solve. Although all players may be given a general overview or background statement, often they are unaware of the details of the parts the others will play.

Role-playing cases are often based on gaining group consensus on an issue. We have used role-play cases (included in case examples) to introduce participants to the process of mediation. In these cases the participants include a complainant, a respondent and a mediator. To begin the session, we give the group a very short course on mediation techniques before they practise role-playing a resolution. Role playing can be used in conflict resolution and is useful in pointing out the benefits of collaborative problem solving at an early stage in the dispute process.

Role-playing cases with only three roles limits the number of people in a group. You may add additional roles as you like. You might assign observers who comment on the process from time to time, coaches for the parties or mediator, create understudies for the main roles, add more characters to the story or ask participants to share roles. Role playing can bring the issues very close to home, particularly if the role casting is inconsistent with the person's normal role, ie. casting managers as complainants and employees as managers, etc.

9. Determine the "Story-teller" in the Case

Set up your story with a particular story-teller in mind -- complainant, respondent, witness, complaint consultant or human rights officer, management, etc. Because we were focussing on educating post-secondary decision-makers, we wrote most of our cases from an institutional point of view.

Other cases are written from the complainant's view to increase participant's understanding of power differences in post-secondary institutions and how this affects one's perspective and ability to direct one's own educational experience.

10. Write Discussion Questions

Good questions provided with the case and/or asked by facilitators working with each group are more than just a helpful supplement to the case study method. We see them as an essential part of the method. The questions will keep the discussion on topic and help shape the learning. They are designed to help the participants analyze the cases. It isn't enough to read a case and be asked "What do you think?" Unguided opinion will rarely confront the issues effectively.

Design questions which encourage decision-makers to specifically deal with the individual behaviour in question and the systemic implications of their failure to sanction the behaviour. Questions should also solicit discussion of the relevance of institutional policies and practices for responding to these types of situations.

We have used a variety of questioning techniques in writing cases. These are illustrated in the accompanying sample cases.

One technique is to begin with very specific questions to focus attention on a problem area for the participants. Another is to use more open questions to generate new ideas, broaden the discussion, connect the case story to the issues you have identified, and encourage participants to explore the issues in a new way. Specific questions pinpoint particular issues, processes, techniques, and skills you want to explore or develop. For example, if the issue is determining if a complainant has a human rights complaint or an academic appeal, we might begin with questions specifically asking if discrimination or harassment has allegedly occurred in this case.

Progressive questions can be used to shape discussion. For example, they may stimulate decision-makers to review institutional policies, consider alternative dispute resolution techniques, raise matters requiring further investigation or develop further options for resolving a problem.

Strategic orientation is a useful model to follow in developing questions, ie: clarify the problem, assess the environment, develop options, evaluate options, develop an implementation plan for a solution, review contingencies, evaluate the process. It is not necessary to write out questions and present them to the participants. Rather, you may find it more useful to guide discussion with prompts or probes orally while the participants are working on the analysis. This method takes some practice and considerable preparation but can elicit richer individual analysis within the group. For example, using the strategic orientation model, you might ask a group which is stuck arguing over one solution to the problem if they have considered other options.

11. Prepare Participant's Tool-kit

Provide enough material in the tool kit of institutional policies, legislation, definitions of terms, etc. for the participants to meaningfully and accurately analyze the case.

12. Design a Package of Cases for the Training Session

The cases should vary in complexity, issue, status of characters, setting, etc. Determine the amount of detail you want to provide in the case story. On the one hand, participants want details to the story; but in providing detail, be wary of "giving the answers away" or directing discussion in a simplistic manner.

13. Anticipate Problems In Delivering Training

Plan how you are going to respond to accusations of bias or "reverse discrimination". Consider the variety of opinions, experiences, and views that may be expressed in the session and how you will encourage healthy discussion that focuses on problem-solving issues related to harassment and discrimination in a positive, meaningful way.

14. Pilot Your Model

Test the cases ahead of time to identify potential improvements. The test group should include representatives of the ultimate target group. This will help the facilitators gain experience working with the cases and help them anticipate problems in the ultimate sessions. The facilitators should practise learning to ask questions rather than responding to questions of the participants. Facilitators can practise their skills while the cases are fine tuned.

DESCRIPTION OF OUR TRAINING

1. Setting the Stage

Each institution using the case study method must determine its own goals and issues surrounding recruitment of participants for case method workshops. The following section is a description of the experience of Georgian College while conducting what we called "equity training" for our academic staff. The training was initiated and mandated by our Vice-President, Academic in response to an increase in the number of student complaints relating to human rights issues, and increasing recognition within the academic community of the value of preventing and resolving complaints.

We were concerned that the strong mandate from our vice-president to conduct this training might lead to resistance from the faculty and defeat the whole goal. Consequently, we opted for the case study method which has a minimum of preaching and encourages people to find their own solutions to their problems. Individual academic directors were called upon to invite their faculty to a session which they organized but the actual training was conducted by members of a larger team who facilitated the many sessions.

2. Training Employees

We provided a total of twelve, one day training programs to our employees. Ten initial sessions were held for our faculty but we ultimately had separate training sessions for support staff, counsellors and administrators from our student services, finance and administration department, and human resources departments. Almost half of our full time employees participated in the training.

In all cases the participation at the training sessions was strongly encouraged by the managers of the area. Leadership for employee recruitment for the training began at the presidential and vice-presidential level. This leadership was shown by their participation at one of the training days and their strong verbal support of the value of the activity.

3. Training Facilitators

Individuals were identified in each area of the college and asked at the outset of this initiative to form a facilitation team. These facilitators worked with their colleagues to develop cases and training experiences appropriate to each area of the college. For example, human resources staff addressed employee and human rights policy issues, student services addressed counselling, minority student issues, special needs and accommodation issues while academic staff focused on harassment and discrimination in the classroom, among students in academic settings, and between faculty and students.

4. Drawing Participants

Designated contact staff in each department encouraged their colleagues to attend the training. The designates were volunteers who were interested in the issues and came to our initial workshops. These contact persons were group facilitators when we came around to their department to do the training. It was very helpful to have these local contacts who then became the local experts in handling harassment and discrimination issues. They also provide valuable feedback about the long-term usefulness of the training in their areas.

The areas with the poorest participation were those where the managers themselves seemed least enthusiastic and preferred not to discuss the sensitive issues the training was to address. In a couple of cases we felt fairly strong resistance to the whole enterprise from managers who publicly challenged the processes and concepts involved. Generally there was enormous support.

One interesting and unexpected twist was a heralding of the training by those who attended the early sessions. This word of mouth advertising assured other staff that the training wasn't particularly threatening and in fact was of some benefit to them in their work. Faculty seemed most drawn by the prospect of learning how to avoid an expensive litigation or at least a messy complaint. The telling of former horror stories on the grapevine about miserable faculty experiences with human rights legislation was actually useful in achieving appropriate harassment and discrimination prevention strategies.

5. Organizing The Training Day

Like any in-service training we found that the more privacy we had the better. Freedom from the normal daily routine helped people focus on the issues without distractions. Since the managers made their own arrangements, there was no pattern to where we met. Some sessions were in regular classrooms booked for the day, others were in campus lounges and some were off campus at our training facility on Kempenfelt Bay. The off-campus events were the most successful. Regardless of the location, the physical space should accommodate break-out groups of five to seven people. These people should be able to conduct their discussion without significant intrusion from the other groups.

The case study method does not require elaborate resources although it can use a lot of paper. Each participant needs a copy of each case as well as a copy of whatever tools are provided. The paperwork should be kept as brief as possible, we found that even our one page guide to college procedures was a bit overwhelming to some. The workshop facilitator will require a blackboard or flip-chart to summarize points raised in discussion and may want to use an overhead projector for illustrative purposes in setting out the theory and method to be used and in summarizing issues and resolutions.

6. Role of Facilitators

The case study method requires one overall facilitator to help chair the session, some issue expertise, and group facilitators to work at each case discussion. These can be the same people in different roles. Someone needs to provide instructions about the agenda, organize groups and generally direct the flow of the day. Periodically general or plenary sessions should be held to review how the groups are doing. Much can be gained by sharing salient points from small group discussions with the larger group. In most of our workshops I (Fred) have served as session chair and have found it very useful to circle amongst the groups to see how they are progressing, identify bottlenecks and occasionally provide general theory sessions of a very short nature.

We found it useful to have issue experts available to discuss related cases. For instance, one case we used in almost every workshop dealt with the question of managing a class of students resistant to accommodating a student with special needs. We discovered that faculty were largely unaware of their responsibilities and liabilities in this situation so after a preliminary discussion of the case we had the institution's special needs experts provide information on the services and resources available, government and college policy, and some typical issues that may arise. The case also provided management with a useful opportunity to reinforce institutional policy. Another resident expert answered questions about the Ontario Human Rights Code and yet another explained institutional programs targeted at the Aboriginal community.

Each discussion group should have a facilitator to guide the discussion. Without such help the groups can get sidetracked, especially by a group member with a strong personal agenda. In our experience the facilitators gained confidence about telling less and asking more. Since our group facilitators were also our issue experts there was some tendency to look to them for answers.

AGENDA FOR A TYPICAL TRAINING DAY

The following is an agenda from one of our training days for members of our management team.

9:00	Introduction - review the content of the day - overview of the model
9:15	The case study method - review the questions to be used in the analysis of the cases - overview of college procedures - organize groups
9:30	Case #1 Whose Needs?
10:15	Break
10:30	Power Exercise
11:00	Cases # 2 The Native Way
12:00	Lunch Break
1:00	Case #3 Fear Itself
2:00	Case #4 Managing Freedom
3:00	Wrap Up and Future Training

ISSUES ARISING FROM OUR TRAINING

1. Confidentiality

An early issue we confronted was the matter of confidentiality when presenting "home-grown" cases. Clearly the names have to be changed to protect the identity of the parties in human rights cases. Facilitators were quick to note, however, that for the most part the victims had long since left the institution and that the main beneficiaries of changing the names were the employees who had handled the original situation. Nonetheless we have changed names, modified scenarios, amended dialogue and whatever else was required to make the cases fit the issue and training goal we wished to achieve.

2. Encouraging Analysis of Systemic Discrimination

In our training sessions with senior managers, the participants found it much easier to try to deal with the particular issue or example of discrimination in the story as opposed to recognizing and confronting systemic issues. For instance in a case in which a male counsellor was accused of sexually harassing a female student who came to see him, it was hard for us to persuade the managers to address the larger issues such as training needs, systems to prevent future incidents, methods to ensure that any such events will be dealt with, rather than covered up, supply of counsellors of both genders, support systems for students, and institutional culture about male/female relations. Too often the managers got stuck dealing with the specific incident and wanted to investigate, prosecute, convict and punish the respondent. While these are all appropriate responses when dealing with things at the individual level, they avoid systemic problems in the institution.

3. Homogeneity of the Discussion Group

One question which continued to arise was the matter of group homogeneity. Our assumption was that groups would work better if the members were comfortable with each other and of a similar background. However participants often commented on the benefits of meeting and working with people from other parts of the institution. This approach raises some difficulties if participants from diverse areas do not share similar problems because we believe our model is compromised if participants cannot see themselves in the cases.

4. Avoiding Labels and Stereotypes

Issues arise if case material is perceived to reinforce stereotypes, particularly of racial, ethnic, religious or cultural groups and by gender or sexual orientation. It is very important to consult with institutional members and representatives of community groups to avoid ideas, labels, assumptions, content, discussion, and resolutions that would be perceived to be derogatory, discriminatory, harassing or reinforcing stereotypes.

In working with "home-grown" cases, we heard some debate about the use of labels to distinguish persons with characteristics designated as grounds for complaints of harassment and discrimination under the Ontario Human Rights Code and other legislation. We discussed the problem of how to confront stereotypes in designing cases with representatives from many post-secondary institutions and from all designated groups. We were unable to achieve consensus on precisely how this issue should be handled; but we did generate a number of ideas.

Some people suggested we offer the cases with the minority group labels reversed. Others suggested writing the cases vaguely with no labels and a simple reference to a complaint about discrimination based on the grounds that the subject was a member of a racial minority. Another suggestion was to leave blanks in the case story for people to write in their own names. We also considered avoiding all names of people and places and referring to characters as "the complainant, the respondent, witness A, manager Z, etc."

Yet, we still have to make the point our workshops were designed to reach. As one of our colleagues said, we believe "we have to call it (discrimination and harassment) what it is". We recognize that labels and stereotypes are an integral part of discrimination and must be addressed; but avoiding the labels is not always the answer. We believe we have to confront discrimination and harassment, identify the labels and stereotypes that exist, and analyze the labelling process as part of effective harassment and discrimination prevention education.

Struggling with this issue, we are not proposing a common set of words (labels) to refer to all members of designated groups..in all institutions..in all of Ontario... In fact, we believe the search for "acceptable labels, names or words" is in itself problematic. We argue that the whole notion of finding a common label for a group of people is stereotypical in itself. Why would all members of any group (designated or not) agree about a "correct label", particularly a label that may be rendered deviant by another group and used to further victimize them? Why would we assume that any group of people would share a common view of themselves, and adopt a common name or label?

Further, there are regional and community differences to consider. Concern about labels is not equally shared by different groups or by the individuals within a group. Some people are more concerned than others about the meaning of labels and feel more victimized or powerless when labels are applied. We encourage you to explore solutions suitable for your institution, in your own community, in your own cultural and temporal context.

Our case examples illustrate some ways of approaching the issue. We recommend that, as facilitators, you consider this issue carefully and alter language in the cases to reflect the changing and individual preferences of the groups you are targeting in your sessions.

EXAMPLES OF CASES[7]

Our collection of case examples is roughly divided into three general sections: cases designed for group discussion; cases designed for role-play; and a progressive case. The first and largest section includes cases designed for general discussion in a group. In this format, participants discuss the issues and design resolutions as if they were observers or analysts removed from the "heat of the action". These cases vary in length, amount of detail provided for discussants, the types of questions used, the issue, the grounds of harassment and discrimination, the status of the parties, and perspective of the "story-teller". The first set of discussion cases illustrates the use of specific questions. The next group of cases illustrate a more open style of prompting discussion. Included at the end of this section are cases adapted specifically for discussion by senior managers in post-secondary institutions.

The second group of cases are designed for role-play. In these, the participants discuss the case in the first-person, taking on the role of one of the key players. In this way they become more involved in the story itself. This section also includes a special category of role-playing in which one of the roles is a mediator.

The final section gives an example of a long progressive case. This format allows more detail to be included in the story and a greater depth of analysis over time. It also mimics the realities of true cases whose nature changes over time, requiring us to respond accordingly.

The cases are printed on separate sheets of paper, some with facilitator notes on the back, for ease of photocopying for distribution to workshop participants.

To assist facilitators in finding cases from these samples that deal with a particular form of harassment and discrimination we have developed the following index. The numbers under the headings refer to the numbers on the case titles.

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[7] These examples were compiled from a variety of stories and cases told, written and critiqued by people from PAHDPCC/CCPHDPP, University of Guelph, York University, University of Windsor, Humber College, Georgian College, Anishnabe Education and Training Circle, and Human Services Planning Council in Barrie.

Race, Ethnicity and Cultural Diversity:

Case Numbers 1, 3, 21, 24, 25, 26, 28, 32, 34

Religion:

Case Numbers 4, 24

Disability:

Case Numbers 7, 10, 14, 33

Sexual Orientation:

Case Numbers 2,11,18, 27

Sex and Gender:

Case Numbers 5, 8, 12, 13, 15, 19, 20, 23, 27, 30, 31

Aboriginal Issues:

Case Numbers 6, 9, 16, 17, 22, 29

Cases which deal with more general academic issues related to safety, legislation, classroom behaviour, academic freedom, seniority and merit:

Case Numbers 14, 15, 16, 18, 19, 20, 23, 24, 26, 27, 28, 30, 31, 32, 33, 34

I. CASES FOR GROUP DISCUSSION

Facilitator Note: Since using cases to apply human rights concepts and to practise alternative dispute resolution skills is a growing field, a variety of approaches have been developed. Some practitioners prefer open-ended cases which they believe encourage greater creativity in problem-solving and others prefer cases with questions that more clearly direct discussion to a preferred end. The following examples illustrate how you might use specific questions to direct participant discussion.

We have also included examples of how participant discussion can be directed in terms of perspective by shifting the point of view of the "teller" of the case. Some of the cases are written from the more removed, third person perspective. This seems to elicit discussion that is more critical of the characters and perhaps more objective. Other cases are written in the second person "you" to try to engage the participants in taking on a more intense, personal role in the case.

Case #1: WHEN VISIBILITY IS INVISIBLE

A student who is a member of a racial minority group has complained to the department chair about being treated as an invisible minority. He claims that the faculty ignore his contributions, don't see his hand when he raises it, give short answers only, and in general give preferential treatment to the majority students.

The chair has called a faculty meeting to discuss this complaint.

Participants' Task: Select a chair and have a faculty meeting. Develop a response to the student who made the complaint. How might you deal with suspected systemic issues drawn from this complaint?

Facilitator Note (Case 1): When we used this case in training, it elicited discussion about the "chilly climate" and how to assess it. Participants suggested various techniques to determine if the complaint was founded, and if on investigation it was founded then ways of helping the faculty member recognize and understand behaviours and their effect on the classroom climate.

Case #2: GRAFFITI

A parking lot attendant complains to his supervisor about the homophobic graffiti in the washroom. This is not the first time he has made this complaint, but the graffiti is still there. What responsibility has the administrator (or the institution), if any, to do anything about it? How does your institution respond to this type of complaint?

Case #3: THE IMMEDIATE FAMILY

Telahun was refused his request for transfer to the Port Carling campus where a position had opened in the continuous education department. Telahun is now working as a clerk in the alumni office on the Stratford campus but he has previous experience in setting up distance education programs in England and Asia. He is very angry and disappointed. He was certain he would get this transfer because he thought his experience and credentials were identical to those written in the job posting. This transfer was very important to Telahun because he must go to Port Carling to care for his aunt who is gravely ill with cancer.

He has now asked his supervisor, Anita, for a leave of absence. Telahun explained to his supervisor, Anita, that it was his moral, economic and practical duty to care for his aunt during her illness. He was confused when his supervisor told him that most workplaces would not see this situation as a relevant issue for them or him. When he asked for clarification, Anita talked about social assistance and home-care programs, nursing homes and other forms of third party assistance he should be arranging for. She also told him that care of sick relatives was usually the responsibility of only "immediate family members" and that their institutional policies and union contracts did not provide for such a situation.

Telahun has come to you, Paolo, his union steward, for assistance. You are Paolo. What will you do?

Facilitator Note (Case # 3): This case is left "hanging" for the discussants to fill in the details with information from their own workplaces and experiences. Some participants find it difficult to work with this open-ended approach. If you prefer, you can then provide them with more details that you invent, based on your institution's policies, or alter the case as you please.

The point of this case is to provoke discussion of cultural differences about family and work expectations and values and the dominance of one value system and set of assumptions that underlies the policies, contracts, and practices in most of our institutions. For many people, like Anita, there is only one way of doing things. For them, suggesting flexibility or change to the existing North American style of business-family interaction may seem impossible and undesirable.

Another issue that can be further developed in this case is employment equity. What happened with Telahun's transfer request? Why did he not get the job? Was he qualified? Will his last request for a leave be granted? Would it be granted if he worked in your institution? The idea with this method is you can add information to shape the case and the discussion as you like.

Case #4: WHO GETS SPACE?

The student union meeting is out of control. Groups of students all over the auditorium are angrily yelling at each other. You are the executive of the union and you have to restore some order before violence erupts and you have a mob scene.

Banners are flying from the balcony. Picket signs are raised from the floor. Angry slogans in several languages are displayed everywhere. The factions are divided on space -- physical space for worship, meditation, religious observance and meetings. The issue has been brewing for some weeks now, but tonight it has come to a head.

Space on the campus is at a premium and you know requests for more facilities for students for any purpose would be fruitless. The administration has made it clear that with increased enrollment and no funding for additional buildings, space not already used for classrooms and labs will be diverted for academic use only.

The problem is that established student-organized religious groups on campus prior to the "space squeeze" could find rooms for their own use. And they did. But newly organized student groups have not been as fortunate. In the past two years, the new groups have grumbled about the poor quality of their facilities in comparison to the established student religious groups. But now, it's all-out war -- a religious war!

To complicate matters, the more established groups tend to be organized around European-based religions of the dominant culture on the campus at the time. The newer groups tend to be organized around Asian and African-based religions. Since members of the two groups (old-timers and the new-comers) tend also to differ in identifiable ways (appearance, dress, language, customs, etc.) and since those who have space and those who do not have space are organized on opposite sides of the auditorium, you see before you the culmination of systemic discrimination: the religious, cultural and ethnic factions are visibly separated.

What are you going to do right now? and how are you going to resolve this issue in the long run?

Case #5: NO WOMEN ALLOWED!

You have taught for many years in a predominantly male program. It is not unusual for the few females enrolled in the program to be subjected to a variety of comments and hectoring about their role and involvement in this field by male students. You don't usually get involved.

Lately it seems they have been even more persistent in their teasing and a student has complained to the dean about harassment on the grounds of gender and sexual orientation. The student threatened to quit the program and file a complaint with the Ontario Human Rights Commission. Her complaint is twofold. First she claims that the professors permit this behaviour in class and this is unlawful. Second, she alleges that other college/university staff escalated the problem by telling sexist jokes during orientation week.

Participant's Task: You are professors teaching in the complainant's program and have been named as respondents in the complaint. Some of you are very concerned about issues of harassment and discrimination; others of you feel there is no problem here. All of you feel angry and defensive that you have been named as respondents in this complaint case. Although you differ in your views, you have decided to face this situation as a group. Discuss how you will respond to this particular incident and your response to the larger issues in the case. What specific steps will you take to deal with systemic issues of harassment and discrimination in your program? What support will you need from others?

Case #6: THE CONSTITUTIONAL EXPERT

Last Monday you led a class discussion on Constitutional issues in a contemporary Canadian politics class. Somehow the discussion shifted to Aboriginal rights. Some of the students expressed angry and racist opinions. You felt unable to speak, since you believe in academic freedom and the right of everyone to express their personal views in class on controversial issues.

One student tried to defend Aboriginal rights. She was heckled by the others for her efforts. As she left the class, others jeered at her and called her a "White Squaw". She was very upset by the incident and complained to the head of the political science department about your inability to control the class and provide a positive learning environment for all students. The department head has asked you for your response to the accusation and your view of the incident.

Afraid you will face a human rights action over this incident, you are off to your union president for support and advice. She suggested you consider the issues very carefully before you respond to determine who, if anyone, is responsible and what, if any, action should be taken. To do this, she suggested you consult with your colleagues in the department of political science and prepare a response following the conflict resolution strategy you learned at a recent workshop:

- List all of the issues presented in the case.
- Clarify your position and those of others involved.
- Reframe the issues within this context.
- Generate possible solutions to the problem.
- Consider the ramifications of each solution.
- Agree upon the solution that will meet your anti-harassment and anti-discrimination goals within your organizational culture.

Case #7: THE DIRTY DOG

You face a fundamental conflict in class. One of your students is blind and uses a guide dog to get around, another student has complained to you about having the dog in the class, he thinks it is dirty and is disgusted by having to share a room with a dog and argues that the dog can wait outside while the blind student is in class.

How will you address this behaviour? What are your duties and obligations? Ask the members of your group to play the roles of the characters in the story to help you practise your response to the situation.

Discuss the issue in the case and any power imbalances that exist. Consider institutional policies and practices as well as institutional and community services available for assistance.

Facilitator Note (Case # 7): As with other aspects of the case method, the questions can be changed, some dropped or others added to make the exercise meaningful to the participants. For example in the above case about the dirty dog, you might want to focus on role-playing a resolution. Or you might direct participants to create better institutional practices to respond to the special needs of persons with disabilities.

Case #8: PUT ME DOWN

You have just returned to your office after a disturbing encounter with students in the hallway. Coming out of your lab in the physical sciences building you saw a large young man roughly lift a young woman into the air. She started to scream, pound on his back and yell, "Put me down! Stop that! You are hurting me!" The man then swung the woman in the air as she grimaced and cried out in pain. She began to weep.

Appalled by the brutality, you rushed over to the young man and told him to put her down immediately. The crowd that had gathered and the young woman who was the subject of the attack berated you, shouting "Mind your own business!" You tried to explain your concern but received only continued verbal abuse.

Do you have any responsibility to act? Discuss the implications of your view for responding to this incident with the colleagues in your group.

Is this type of behaviour considered to be a problem in your institution? What institutional policies or past practices will help you determine this?

Facilitator's Note (Case #8): Use of General Questions and Prompts

Many of the cases from our institutions came from faculty who faced classroom situations that they felt they were unprepared to handle. These situations included issues of harassment and discrimination, violation of human rights procedures, and disruptive behaviour in the classroom. Rather than asking specific questions about each of these cases, you might simply prompt discussion by group participants by asking: "How would you respond to this situation"? And then use probing questions or prompts during the discussion to pull out the particular issues ,you think are important. Probes may include: "How did the other students respond? Is this a discrimination issue covered in your policy? How do you and your colleagues usually handle this type of situation? What would be the consequences of your proposed resolution?"

Case #9: BROKEN DREAM

You are the coordinator of the corrections program at your college. Last fall a second year student, Nicole St. Croix, approached you after class, visibly upset, saying that her dreams had just been destroyed. You had spoken frequently to Nicole over the past year about your shared interest in prisoner advocacy groups. And she had told you about her advocacy work in her First Nations community several hundred miles north of the city. She said many of her family members worked in a large provincial reformatory in their district and were active in the advocacy movement. In fact, her mother was the superintendent of the psychiatric unit in the reformatory. Nicole planned to apply for a position in the institution after she graduated.

Nicole also said she was very disheartened and beginning to doubt her abilities. She was asked by one of her teachers, Mr. Dougherty, what she expected to do when she graduated. When she responded that she planned to work as a correctional officer, he laughed at her, shook his head and said she would never be hired because she wasn't "the kind of person they wanted in that field".

Hal Dougherty is an older faculty member in the program who retired from Corrections Canada ten years ago to take a teaching position at your college. You know Hal's views about Aboriginal people are ill-informed, stereotypical and downright inaccurate but you hadn't considered the effect they might be having on students. As you thought about it more, you realized that none of the First Nations students who had entered this program while you were at the college had graduated.

You are concerned but feel unsure of your status in the department. Your colleagues are all men and much older than you are. They are a close-knit group, sharing a common background in the Canadian or British military with practical experience in the field. In contrast, you are a criminologist with a research background in corrections. Frankly, you believe they are suspicious of the broader, more academic perspective you are bringing to the program and see the changes you are making in curriculum and student outreach as counter-productive, impractical and foolhardy. You are worried about your status among your colleagues and think you had better "cool your heels" for a while.

However, you did follow Nicole's progress in the program and noted that her marks dropped significantly at the October mid-term. You looked for her but could not find her around the department. In December you learned she had failed the course taught by Hal Dougherty. Now, it is the first week in January and she has not returned for her final semester.

Facilitator Note (Case # 9): You might begin the group discussion with a general question such as: what are you going to do? And then let the discussion gain momentum. If the group needs guidance, prompt them with questions like : Have you let this student down? What will you do in the short-term for Nicole (if anything)? What are the long-term issues? How will you deal with systemic problems in this department?

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Case #10: STUPOROUS STUDENT

It's the first day of classes, your first class with a group of first year, first semester students , and it's a 3:00 pm class. You walk in smiling, introduce yourself, hand out the "sign up" sheet etc. You also hand out a list of possible essays and writers for your students to discuss in small groups and thereby create the reading list for the semester...students creating the curriculum, student involvement, get to know one another, etc.

As you walk around, keeping students on task, answering questions, etc. you notice that one group comprised of one male and two females is not as comfortable and enthusiastic as the others. As the activity continues, you notice the male in that group seems so drunk or drugged that he can hardly focus his eyes or speak. To some extent he is "harmless"; he isn't really able to contribute to the discussion, keeps asking the two women in his group "what's your name again" and at one point asks whether they would be reading any Stephen Leacock.

After the class, one of the students approaches you, introduces herself as Anjit and quietly tells you that the "drunken" student has a mental disorder. She explains that Harold, her friend, has just started taking new medication that is affecting his speech and his ability to think coherently.

You don't know what to do. Anjit seemed sincere and knowledgeable about Harold's behaviour, but you have taken a course in abnormal psychology, you have had a lot of experience with "problem" students, you know what stale beer smells like, and you were sure you smelled alcohol when you approached that group in class.

Now you are wondering how you are going to handle this situation.

Case #11: HOMOPHOBIA

You have introduced a major assignment to your class. The students must write a formal essay which presents two sides of an issue. To help them choose a topic, you lead a "brain storming" session of possible or suitable topics. As students contribute suggestions, you write them on the board. The session is going along very well; the students suggest things like raising the drinking age, more fire power for police, etc. Then out of nowhere, and quite viciously, a student shouts "Fags!". The class breaks into laughter.

How will you respond?

Case #12: YOUNG DATE

You enter your seminar room early; some of your students are early too. Before the class officially begins, you overhear some of the "banter" going on. One of the male students is being teased about his "date" last night. The overheard comments seem to be centring on the fact that his "date" was quite young. And somewhere in all of this apparent light-hearted exchange you overhear the young man say: "If they're old enough to pee, they're old enough for me."

How will you respond to the comment?

Case #13: THE CLINGING BOYFRIEND

A student is always late for class. The faculty member has tried to talk to her about her lateness, and it improves, but then becomes a problem again. The faculty member begins to notice that every time the student is late, her boyfriend escorts her to the door. The faculty member also notices that whenever she sees the two students together, he is hanging on to her in a hug or confining her movement in some way.

In fact, one day the teacher tries to have a conversation with the student when she is with her boyfriend. He has her pinned against the corridor wall and is kissing her. The boyfriend will not release her and the student seems embarrassed to be talking to a faculty member in this type of embrace. The evidence mounts that the student's problem with lateness is the unwillingness of her boyfriend to let go physically of her so that she can be on time.

Should the faculty member "interfere"?

Case #14: THE DISRUPTIVE STUDENT

Larry Sharma was constantly disrupting Professor Silberstein's theology class. He frequently came in late, swore constantly, and made sexual remarks to his classmates. He refused to stay seated in class, walking around in front of the other students, blocking their view of learning activities. Larry told Professor Silberstein that he has a bad back which pains him when he sits and bluntly announced to everyone in the class that he had the right to walk around and speak however he pleased.

Recently Larry directed his verbal abuse against Professor Silberstein. Larry was disrespectful and disdainful of her interpretation of course material. Believing the atmosphere was so negative that other students could not learn, Professor Silberstein asked Larry to leave the class and told him he may not return until he makes a public apology to the class for his offensive behaviour and agrees to a behaviourial contract limiting his disruptive behaviour. Some of the students have expressed concern for their physical safety as well as their ability to learn in such an atmosphere.

Larry has filed a complaint with Evra Troug, the campus human rights officer. Larry argued that this is a free country in which he has the right to freedom of speech, he has paid his tuition fees and therefore has the right to attend classes, and he has a disability which must be accommodated.

Evra told Larry that although he may have a disability, he did not think that he had a strong enough human rights case to pursue formally. However, he recommended that he pursue a resolution to his complaint through the campus alternative dispute resolution program.

Evra asked Larry and Professor Silberstein to meet with the alternative dispute resolution advisor, Michael Samani, to discuss mediation or other informal resolution processes.

Facilitator Note (Case # 14): At this point, you might have participants role-play the characters and identify a suitable informal resolution process for them to use as a framework to discuss the case, identify the real issues, and resolve the conflict.

Or you may choose to discuss the number of issues raised in the case from an outsider's point of view, either in small groups or in the larger workshop group. This case also allows the facilitator or the participants to explore a number of "grey areas" of discrimination and harassment around the intersection of culture, religion, ethnicity, gender and power. Participants may read as little or as much as they like into the story. Encourage them to explore their own assumptions about labels, names, titles and the stereotypes we attach to them.

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Case #15: YOUNG MOTHERS

Several of the women in your lab have approached you about arranging for some help in solving their day care problem. They have to pick up their children at the day care by 5:30 pm but your class goes until 5:50 pm. They would like to attend as much as they can of your class but are concerned about the consequences of leaving early. It only happens once a week. They told you their other option is skipping the class altogether.

You told them it was their problem, not yours and that you didn't like the timetable any better than they but this is how it is. Frankly you don't understand young people these days, trying to go to school when they should be at home raising their children. You are seriously thinking of scheduling all your tests for the 5:00 pm class just to make your point. You are outraged to learn that these trouble-making students have written a complaint to the human rights officer. You do not understand why everyone cannot play by the same rules anymore. And you are really alarmed by the lack of academic integrity among young female students.

Discussion Probes: Do these women have a legitimate complaint? If so, what is it? What possible repercussions do you see if you/ your institution does not respond to their concerns?

Case #16: THE EMBARRASSED TEACHER

A professor is meeting with students in the classroom before the beginning of class. One of her top students asks the professor if she has finished reading a reference book the student loaned her. The faculty member smiles fondly at the student and says, "What are you, an "Indian Giver"? The student laughs nervously at her remark and leaves without another word.

The professor realizes that the next student in line to meet with her is a First Nations student. Both are embarrassed and the professor apologizes to her loudly in front of the other students. The First Nations student does not respond but quietly takes a seat in the classroom. The teacher continues to apologize profusely every time she sees the student for the rest of the semester.

Discussion Probes: What has gone wrong here? How can the situation be rectified? How can similar incidents be prevented?

Case #17: THE CORRECT BIAS

A native student has written a sociology essay describing his life experience in a First Nations community. The student receives a C+. After writing several essays of a C+ quality, the student decides to write a fiery, blame-filled, and "down with white oppression" essay. The essay receives an A+.

How would you explain this incident?

Case #18: THE UNWANTED REFERENCE

A law graduate writes to one of his former professors and asks him to not give out any references for him, either in writing or over the phone. The professor ignores the letter in the belief that he has a right and obligation to pass on his evaluation of former students to prospective employers. He frequently talked to his colleagues about his students' "potential" and believed that he should warn his old friends of "those with characteristics ill-suited for the profession".

The former student files a complaint with the dean claiming the professor violated his right to privacy and was discriminatory in his actions. The student alleged he could not find a position because the professor had told the prospective employer that the student was gay.

Case #19: MARKETING HARASSMENT

A male teacher received a dreaded but anticipated phone call the other day. The campus human rights officer called to tell him that several of his students had been in to file a sexual harassment complaint about his classroom behaviour. Specifically they were upset with a case he had presented in his marketing class. The case was about the sale of lingerie and sexual paraphernalia at private parties in people's homes. He had used the case to illustrate some problems in personal selling, although he also thought it might generate a little interest in his course.

The students had approached him after class to tell him they were embarrassed by the case and the content made them feel very uncomfortable in class. They also questioned whether the case was essential to meet the course goals. The teacher had reacted defensively to the students' complaint, defending his right to illustrate the course objectives as he saw fit.

Facilitator Note (Case # 19): This case could be used to guide discussion about issues of academic freedom and the right to treat all students with dignity and respect. It also raises questions about our assumption that topics related to sexuality "add interest" for students or "stimulate discussion". Firstly, does it? And secondly, what are the consequences of our acting on this assumption?

Case #20: MORNING SICKNESS

A student has appealed her final grade in a course on the grounds that her failure was the result of her pregnancy. She claims that she is now four months pregnant and that her marks suffered during the earlier part of the year when she suffered from morning sickness. None of the faculty knew she was pregnant. An examination of her grades showed that she missed or did poorly on several tests, all of which were scheduled for Mondays at 8:00 am. She passed the tests that were scheduled at another time. The departmental policy and course outline clearly state that there will be no supplemental exams in this course.

You are a student advisor. The student has come to ask you how she should proceed. She believes she has been discriminated against on the basis of her pregnancy. What advice will you give her?

Case #21: RACISM IN GRADUATE SCHOOL

Facilitator Note: The following three stories could be discussed separately; however, their effect magnifies when they are taken as a group. As a facilitator, you might present these as a progressive case, giving the participants one story at a time to discuss. The impact of the individual incidents grows as the student experiences repeated harassment and discrimination.

Case # 21-1: Racism in Graduate School

Joyce, an African-Canadian graduate student was walking down the hall with Dr. Remy one of her professors. It was an unseasonably warm day for November so she rode her mountain bike to school. Her bike is an expensive model with quick release features that make it wise for her to lock it up carefully and take her seat with her because of the string of robberies that had recently been reported in the city. Dr. Remy, noticing the seat in her hand said "Joyce, I guess you must be from one of those ghetto communities riddled with theft to be concerned enough to remove your seat."

Being a diplomatic person who realized that she needed to complete two courses with Dr. Remy during the current school year, Joyce proceeded to explain how new mountain bikes have seats that come off instantly but that these seats are readily stolen by bike thieves because they have a surprisingly high resale value.

Case # 21-2: Racism in Graduate School

Joyce, a graduate student enrolled in a doctoral program in psychology was participating in an advanced statistics seminar when her professor Dr. Remy went off on what seemed like a perfectly harmless tangent on the wonders of the "information super-highway." Dr. Remy commented on how easy it has become to search the libraries of any university that is on-line. He then went on to say that technology has made certain research activities much easier. For example, if he wanted to he could search the holdings at a university in Cameroon, Africa--but, then again what would be the use, there are probably only two books in most libraries over there. Joyce, a woman of African descent was offended and glared at Dr. Remy in disbelief while wondering how in 1994 a professor could feel comfortable enough to say something so false, ignorant, derogatory, and irrelevant in front of an audience of future psychologists. Dr. Remy paused awkwardly and then proceeded with his lecture on statistics.

Case # 21-3: Racism in Graduate School

By part way through her second statistics course with Dr. Remy, Joyce had grown very tired of his constant criticism of her work and was seeking more detailed feedback on her assignments. Joyce had reason to believe that he was marking her work differently than he was marking her colleagues' and was concerned that his negative bias was making it tough for her to compete for scholarships. When she asked him why he was deducting marks for such trivial reasons he said that he only wanted to force her to reach her full potential and sarcastically added that she should come to him when she needed letters of recommendation to support her scholarship applications.

Joyce feels particularly vulnerable when dealing with racism because she is the only Black student in her graduate program of approximately 80 people. She realizes that she could file a complaint with her department head, the appropriate Dean, or the university ombudsperson but she anticipates that the result would be unsatisfactory. Dr. Remy has cleverly confined his racist statements to one-on-one situations with no witnesses and it is unlikely that anyone would take her side over his. Basically, Joyce believes that filing a complaint like this one will make it difficult to find members of the department willing to work with her on her dissertation committee. For now she plans to finish her Ph.D. as quickly as possible while establishing an impressive C.V. through publications, conference presentations, and other worthwhile projects since she doubts that she'll ever receive a scholarship if Dr. Remy can help it -- and he has implied that he can. Maybe after she graduates she can file a complaint.

CASES SPECIFICALLY DESIGNED FOR DISCUSSION BY SENIOR MANAGERS

Facilitator Note: The following three cases are examples designed to encourage senior decision-makers to manage complaints about harassment and discrimination that reach their desks. The assumption is that the cases were not handled satisfactorily at a lower level and have now gained political force. In most institutions, vice-presidents won't hear many cases unless they have not been resolved satisfactorily at a lower level. This may be because the case is unclear (the grey area of discrimination we are all trying to manage), poorly investigated, poorly assessed or perhaps because one party refuses to give up the fight, etc.

In piloting these cases, we found that most senior managers wanted to discuss the particulars of the case (from the harassment officer's view) rather than develop strategies for managing the outcome of the case to the best advantage of the institution and its members. Consequently, if the goal of the training session is to encourage senior decision-makers to build strategies for long-term solutions to these problems, the facilitator might specifically direct the participants to develop broader strategies for responding to similar situations and for preventing further problems.

You can also adapt other cases presented in this manual for discussion and final(?) decision-making by senior management. One technique we have used is to simply move up the case from the student-faculty level decision, for example, to an appeal. For instance, in the case about the "drunken/disAbled" student in the classroom, you could move it along by adding a section in which the faculty member dismissed the student as drunk and refused him entrance to class, the student then went to the special needs office and his disability was documented, the professor still refused to let the student in to class, and the student appealed the decision to the dean or other senior manager.

Case # 22: THE NATIVE WAY

You are the senior manager responsible for implementing your institution's latest effort to serve First Nations. The history has not been good: native students have been under-represented in post-secondary programs and have had a high attrition rate. One earlier initiative failed when a native access program collapsed after one year. Subsequent program funding for a native education program was directed to a neighbouring institution by a band leader. A native heritage day ended with a nice ceremony and a wall plaque proclaiming enduring friendship and little else. A native student made a human rights complaint to the Human Rights Commission. Relations with the native community were tenuous.

However, things are looking up. Last year an alliance was formed with a local native education group, provincial funds were acquired and a native counsellor was hired. There is seed money for a couple of years to help your institution and the native community plan a joint post-secondary education strategy for native students. The first step was to gather information about current native students' experiences.

Findings indicate much work must be done to improve relations with native communities. Students and faculty have reported the following incidents of harassment and discrimination based on Aboriginal status:

1: *A discussion in class focused on an article regarding native culture. The faculty member continuously asked for the opinion of a single native student in the class. "Is this really true?" "How is it in your community?" "How do you say this in your language?" "You people always know how to..." Whenever native issues or culture were discussed, the student was continuously questioned. The student withdrew from the class.*

2: *A departmental chair reported that last fall a young native woman approached her in tears. Her dreams had just been destroyed. She was asked by one of her program instructors what she expected to do when she graduated. She told him* *she wanted to pursue a career in corrections and he said that she wouldn't be hired because she wasn't the kind of person they wanted in that field.*

The chair followed her progress in the program and noted that at first her marks were strong but over time, her academic standing weakened. She failed the course in question and returned to her community in northern Ontario.

3: *A professor held a discussion in class on constitutional issues. Somehow the discussion shifted to Aboriginal rights. The students were vocal in their opinions; some expressed strong prejudicial and racist views. One non-native student tried to defend Aboriginal rights but was quickly overwhelmed by the other students. Upon leaving the class, someone shouted out to her -- "White Squaw!"*

4: *A student who loaned a reference book to a professor asked her to return the book. The professor called the student an "Indian Giver". Realizing there was a native student in the class who heard her remark, the professor profusely apologized for the next two weeks. The native student was embarrassed.*

As the senior manager, your next move is unclear. Native enrolment is up this year and the promise for future growth looks good. The native advisory circle has been developing curriculum but you don't know how that will be received by your community. Since the money so far has come from special grants and there are no plans for permanent funding, you are concerned about how other administrators will react if the native initiatives compete with existing activities in their own areas.

Case #23: FEAR ITSELF

You are the senior manager responsible for campus safety and security. There have been some disturbing recent reports which suggest that a fresh approach might be needed:

1: *A professor walked past a group of students outside a lecture hall. A large male student picked up the only female student in the group. She screamed, pounded on his back and yelled, "Put me down! Stop that!" and called on the others for help. The man then swung the woman in the air clearly causing her discomfort. She began to weep. The professor approached the man and told him to put her down immediately. All of the students (including the woman) berated the professor, shouting "Mind your own business!." The professor was silenced by the students' violent reaction to her intervention.*

2: *An alumna was invited to apply for a contract job at the university/college. She refused on the ground that she had been harassed by a student who followed her and made unwanted advances. She said she did not want to make an official complaint because she was afraid that if the harasser knew she had reported him, the abuse would intensify. She felt unable to take a position on campus because she feared for her safety. Her strategy, she said, was to stay completely away from the campus. Unfortunately, this strategy prevents her from accessing employment for which she is qualified.*

Later it was revealed that other students had been stalked and sexually harassed by the same student over a period of months. None of the victims reported the incidents to campus officials -- although one said she had reported the incidents to the police. The harassing student is still on campus.

3: *The registrar's office recently issued a "stalker" alert over the e-mail system. The alert warned about men using deception to learn the whereabouts of students and reminded employees of staff and student rights to protection under*

> *the institutional policy on confidentiality of personal records. This report caused concern about personal safety and confusion about how to identify legitimate calls for assistance in locating students.*

The president has directed you to ensure that students can learn and work in a positive, safe environment, and to manage this situation with as little public exposure as possible since your institution promotes itself as a friendly and safe alternative to big city colleges and universities. What are you going to do?

Case #24: MANAGING FREEDOM

Like any senior manager, you are responsible for ensuring that no employee in your area of responsibility violates any section of the Human Rights Code or allows a poisoned environment to develop or exist in your institution. You have a problem!

At a recent departmental meeting, sociology faculty were discussing innovative ways of teaching human rights concepts and theory. One professor said she planned to show students the film "Schindler's List" to illustrate her lecture on genocide. To stimulate discussion and intellectual argument, one of her colleagues suggested she prompt a class debate on the topic: "Resolved that the Holocaust never occurred and is a propaganda ploy of Jewish interests". The merits of such an approach were hotly debated at the departmental meeting. The professor decided to pilot this approach with a first year class.

What a furore! Ten students complained to you that they were personally offended by this topic and threatened to complain to the Ontario Human Rights Commission. The professor argued for the legitimacy of the topic, her expertise in the field, her esteem as a teacher and researcher, and claimed that what she teaches in class is her right to decide. You are horrified, recalling a scandal about a teacher elsewhere being fired over a similar issue. On the other hand, the sociology faculty are organizing to protest administration's interference in their right to academic freedom in the classroom.

How will you manage the resolution of this conflict?

II. ROLE PLAYING CASES

Facilitator Note: A useful variation to the discussion format illustrated above is to assign participants to play the roles of the characters in the cases. We introduced role-playing as an alternative technique in some of the cases above. The following cases provide fuller illustrations of conflict and human rights situations which can be explored using role-play.

Case #25: NOISY TILES

The following complaint was received by the College Complaint Officer, from Professor Bob Wright a senior professor in the School of Business.

Professor Wright told the Officer: "Throughout the day in the cafeteria, groups of students play mahjongg. There are 6-8 people in each group in three areas of the cafeteria. The noise of slapping the tiles on the cafeteria tables as well as the noise of the 'fans' creates a disturbance. This activity gives a bad impression of our college as an institute of higher learning. The college should ban all games of amusement from the cafeteria, especially noisy ones which attract large crowds."

The Complaint Officer conducted an investigation which confirmed that games of mahjongg were played in the cafeteria during the day and that the games did attract a large number of enthusiastic fans. He noted that the players and fans were mostly racial minority students. He also noted that other games were played in the cafeteria including: euchre, cribbage, bridge, poker and chess. These games were mostly played and cheered on by white students.

Since the complaint did not name a specific respondent, the Complaint Officer turned the file over to the Dean of Student Services who convened a formal hearing panel to review the complaint by Professor Wright, investigate whether this was a public complaint or a systemic problem and make a recommendation to the Dean.

The following were asked to be members of the panel: the President of the Student Council, the President of the Faculty Association, the Food Services Manager, a Student Counsellor, the Human Rights Officer, the Executive Assistant to the President, a representative from a local racial minority advocacy group.

Facilitator Note (Case # 25): Assign the roles of the panel members to the participants in your session. Tell the participants they may take realistic liberties in their interpretation of their role to fill in details not provided in the case. This is important because some participants worry about there not being enough information written for their role to answer every question or situation that arises in the discussion. Assure them that they can simply "make it up as they go along" as long as they remain consistent with the general thrust of the character's position. If the number in your group does not correspond with the number of roles in the scenario, you may drop some roles or make up some additional ones: ie. editor of the student paper, a mahjongg player, a bridge player, a domino player, a chess player, etc.

Case #26: COMPUTER LAB RIGHTS

A student complained that his computer lab technician was picking on him, giving him a hard time and accusing him of wasting resources at the printer. The student complained that the technician would not let him do personal printing on the lab printer even though he brought his own paper. The core of his complaint is that he believes he is being discriminated against on the basis of his race. The student argues that while what he wants to do is technically not permitted by college policy, it is commonly practised by students and staff. He believes that he has been singled out for sanction because he is a member of a racial minority group, citing the fact that white students and staff are not harassed for using the printer for their own use. He claims he has witnesses to support his allegations.

The student took his complaint to the computer department whose director promptly called in the institution's human rights officer. The human rights officer investigated the case and suggested to the lab technician and the student that, in her opinion, the case could be resolved through mediation, if both parties were willing to try.

Both parties agreed to mediation but the student was quite concerned about his position in the complex power imbalance between white staff and racial minority students. To address this concern, the human rights officer told the student he could bring a support person to mediation. To balance the numbers however, the officer also told the lab technician he could bring a support person. The student brought a fellow student and the technician brought the director of the computer department. The student protested that considering the differences in authority and expert power between his side and his opponent's side in this dispute, he was still disadvantaged. Nevertheless, believing that there was little chance of winning this issue, he agreed to proceed with mediation.

Facilitator Note (Case # 26): This case is best used with participants who have some knowledge of the mediation process. Assign the roles of the human rights officer who will mediate the dispute, the student complainant, the student's friend, the lab technician and the computer department director. Tell the participants to make realistic assumptions about facts not provided with the case to fill in details. If you suspect that your participants will require more structure and detail to the scenario, you might write out character sketches for each of the roles and embellish the details of the case.

Some participants feel more comfortable role-playing when they have a sheet of paper that describes their part in depth. However, it is important to note that human rights complaint cases are seldom straightforward. Unexpected issues and interests are bound to come out during mediation and these must be dealt with as part of the process. If the participants truly believe they do not have enough information to reach a decision in a role-play case, they can, in a pinch, adjourn the hearing or mediation and send an investigator out to find the information they need and then reconvene. This could be done in one training session or the participants could be called back in several days time to reconsider the case. The main point is for the players to take charge of the situation and "live it" as they would in their own institutions. This is an excellent way to practise handling human rights complaints in a fairly safe environment.

Case #27: THE CARING NURSE

The Diploma Nursing Program in your college has recently launched a new curriculum with a philosophy based on the concept of "caring". This philosophy, as the name implies, suggests a much greater attention to the human as opposed to the medical condition of health. The recent behaviour of one of the students in the program seems to have taken this philosophy farther than anticipated by the faculty and has caused a great deal of concern amongst them. This student, Miri Teclehaimonota, a woman in her late twenties, hugs and kisses her clients, other female students, and some female faculty members. The student explains this outward show of affection on the grounds that she is demonstrating her strong feelings of affection for those she works with. She says, "I'm a caring person."

The faculty are somewhat divided. Some think that while this behaviour is a bit excessive it is basically harmless. Others are quite alarmed because it so far removed from their traditional ideas of nursing care. No one is quite sure what to do about it. One teacher wants to fail the student in her clinical component because of her behaviour, another wants to let the natural consequences follow "...when she tries that on some geriatric men, she'll learn that you can't be careless with your displays of affection, they'll hug and kiss her in ways she won't like." The third thinks it is appropriate to share your feelings of affection for the people in your life and thinks the student's behaviour should be condoned.

The coordinator (Rozanna Rezneck) reported the case to the academic chair (Normand Brunton) who became alarmed at the thought of patients suing him. He began to imagine patient claims of sexual assault, seduction and sexual harassment. Rozanna pointed out that they did not know the sexual orientation of the student but Normand was not assuaged. He began shouting "of course she must be queer, why else would she be carrying on with female patients". Rozanna, "You don't know what you are talking about, it is her cultural background that is making her behave this way. Didn't you know she is a ---------- ?"

Rozanna called a case conference to try to develop a common approach to deal with the issue. Included in the conference were the three faculty members who teach the student, the Curriculum Coordinator for the Caring Curriculum, a student counsellor, and the academic chair (who insisted on attending against the wishes of the coordinator).

Group Task: Hold a Case Conference and come up with a plan. Make realistic assumptions about facts not provided in the case to fill in details where needed.

Facilitator Note (Case # 27): This case brings greater complexity to a role-play exercise because there are a variety of themes interacting. It raises issues about human rights, acceptable student behaviour, departmental politics, prejudice, stereotyping and cultural differences.

Case #28: HANGING OUT ON THE RAMP

The main lobby of the student centre has two levels, the one at the rear about three feet higher than the area to the front. There are stairs and a ramp between the levels with the ramp defining an elevated area at the rear of the lobby. This area has long been a favourite hang out for students. They can see and be seen from this deck. During different times of the day there will be between a dozen and several dozen students congregating there. Lunch hour is the busiest. This area has been the home turf to different ethnic and racial groups of students over the years. The current group favours loud "ghetto blasters".

Professor Domenico Venezia filed a complaint with Kai-Ming Yu the campus complaints consultant, asking that the students' gathering on the ramp be prohibited. This is not the first time such a complaint has been made although it is the first to be made by Professor Venezia. His complaint has several parts: the gathering is noisy, undignified, presents a bad image of the campus, facilitates ethnic segregation, and interferes with the ability of students in wheelchairs to use the ramp. He reports that he "...feels very uncomfortable walking by this boisterous group of students who seem to spend all their spare time showing off to members of the opposite sex". He also complained that the students sometimes dance on this upper deck in rather intimate contact with each other. His complaint about the wheelchairs is a new issue. All the other issues, and more, have been heard before.

Past efforts to deal with this "problem" have failed to do anything except, perhaps, to change the group hanging out. However, last week one particularly troublesome sociologist (Professor Zabaneh) pointed out to her class that the campus authorities' perception of whether this hanging-out behaviour is deviant seems to vary depending on how similar the group is to the authorities themselves. Professor Zabaneh explained that the more visibly different the participants appear to be in their style of clothes, hair, language, skin colour, type of music, etc. the more likely they are to be identified and labelled as a problem. Her analysis provoked considerable discussion, to say the least.

Kai-Ming Yu has been told to "put this issue to rest once and for all". She isn't the least bit certain how to do this but she decided to call together a Ramp Task Force, which she chaired. The members are; Professor Venezia, Professor Zabaneh, Winston Gold, the head of campus security (he launched an earlier investigation into alleged drug dealing on the Ramp), Marvin Elias (an employee who uses a wheelchair, he has always found the students on the ramp to be most accommodating of his needs), Kwami Bhela (one of the students who hangs out on the ramp), Loretta Saam (the president's delegate), Professor Harvie Toombs (union rep and proud member of the local association for the preservation of English civilization) and Man Yee Nguyen (president of the student council).

Group Task: Assume one of the roles. Your orders are: "Put this issue to rest once and for all." Make reasonable assumptions to fill in details in the case.

Case #29: THE EXPERT NATIVE

You are Susi, an Aboriginal student from a northern Ontario community in your first semester at the University of Minnimungshing. Last Friday, the discussion in your anthropology tutorial focused on an article regarding Ahnishnawbe culture. Your tutor, Bob, continuously singled you out, asking your opinion of the concepts he was teaching: "Is this really true?" "How is it in your community?" "How do you say this in your language?" "You people always know how to..." This has happened before. It seems that whenever Aboriginal issues or culture are discussed, you believe you are continuously questioned. You are very upset by your tutor's persistence in calling on you to speak for others and you do not think he should be making such gross generalizations and stereotyping Aboriginal people.

You have decided to drop the course, but the university policy requires you to speak to the professor of the course first. In your meeting with your professor, Dr. White, she asks you why you want to withdraw and questions you intensely about the tutor's behaviour. You find this questioning very uncomfortable and you do not know how to respond. However, Dr. White seems interested in the problem, speaks kindly to you, and you do not want to show her disrespect.

After a while, you explain to her that your tutor's behaviour embarrasses you so much you feel you cannot stay in the class. Dr. White asks you if you will meet with the tutor, the campus native counsellor and the tutor to see if the problem can be rectified. You reluctantly agree.

Facilitator Notes (Case # 29): Assign roles of student, tutor, professor, native counsellor, and a facilitator to ensure the key issues you are trying to address emerge in the discussion. Ask them to role-play the meeting organized by the professor in his office. Their task is to try to resolve the situation and keep the student enrolled in the class. Help the participants identify the assumptions they make based on the labels used (invented) in this and other cases.

Use Prompts: Instead of asking the players specific question use prompts to guide the group in exploring some of the following:

- the more subtle aspects of cultural differences in styles of interaction suggested in this case,
- issues around the inclusiveness and perspective of the material being discussed in the anthropology tutorial,
- the role and responsibility of the tutor and the professor in providing a positive academic environment, - and the intricacies of combining (Eurocentric) academic research and theory about a (Ahnishnawbe) culture with the real life experiences of the people who share that culture.

Case #30: THE FEMALE TECHNICIAN

Several students are talking and laughing outside the lab during the class break. A female technician who works in their department walks by. The students whistle, shout, and make rude and lewd remarks to her about her physical appearance.

Situation #1

Two professors observe the students' behaviour, one is the students' professor, the other is from another department. They discuss what, if anything, they should do.

Situation #2

Same as #1 except that the technician asks the students to stop their unwanted and unwelcome remarks. The professors then discuss what, if anything, they should do.

Situation #3

The technician complains to the professors and appeals for help in dealing with these unwanted remarks. The professors then discuss what, if anything, they should do.

Group Discussion:

At what point, if any, did the professors decide to intervene and why? Examine the assumptions made by all parties regarding the role of gender, power, courtesy, fear of involvement, etc. Discuss the nature of sexual harassment, the responsibility and liability of faculty and management in similar cases, and your own institutional policy.

Facilitator's Note (Case # 30): This simple case allows you to manipulate the influence of cultural factors on the player's responses to the situation. It is also set up as an example of a progressive case.

Ask the participants to take one of the following roles: the students in the hall, the female technician, the students' professor and the professor from another department. We suggest that you vary the assignment of men and women to the various roles as professors and students and then discuss differences in role-playing behaviour by gender. We found that the gender of the professors and the students (and the role-players themselves) influenced the nature of the response advocated in the three situations. You may also ask the players to take on different racial, ethnic, religious or cultural identities to consider whether these variables affect their perspective and their's and other's responses to the situation.

Instruct the participants to play out each of the following situations one at a time. It is important to give them the instructions for each situation separately so the order of the new variables introduced is fixed. Then you can discuss the impact of each additional piece of information on the outcome and assess the assumptions the players made in each situation.

ROLEPLAY CASES DESIGNED FOR PRACTICE IN MEDIATING CONFLICTS[8]

Facilitator Note: This model works best with a brief introduction to the basic principles of mediation and a fairly quick movement into the cases. The cases themselves are very engaging and the participants become quite involved in finding solutions. The hard part is to keep the mediators on track and not let them become adjudicators. There is a natural tendency to find one's own solution to a conflict and impose it on the parties to the dispute. This defeats the whole idea of mediation.

One device to help avoid adjudication is the coach. The coach observes the mediator and has the right to call time outs to privately advise the mediator on her/his behaviour. The coach can step in and call a break and advise the mediator to shift ground. If you are planning several rounds it helps if a student can be a coach before they become a mediator.

The coach can also give advice about clarifying real problems and causes. Sometimes wording in a question can make a big difference, sometimes it is simply hard to see the root problem which is being expressed as it will be wrapped in feelings.

Each of the four participants is given their own role-play notes; they do not see the notes for the other players. This is one way in which these examples of role-play differ from most of the others presented here where all parties were given the same information. The role-play method encourages participants to take a more personal and emotional involvement in the cases and forces them to elicit further information about the other roles through direct in-role questioning and discussion. Many participants have reported that this makes the exercise and the learning experience more "real" for them.

One problem with role-play exercises is that the players will feel they need more information to play the role. This is often the situation in real life too and they should be encouraged to be "realistically creative" and act it out as best they can. They will have to embellish the role with their own ideas and information without contradicting the actual role.

Introduction to Mediation

Mediation is a useful way of resolving minor conflicts based on differences of perception and failure to understand the other person's view. Mediation has become a part of the informal resolution process built into college and university human rights and anti-harassment and anti-discrimination policies. Some cases should not be mediated, such as those involving a great power imbalance between the parties or alleged behaviour that violates the law or is a serious infraction of the institution's policy and may result in severe discipline. The following role-play exercise can be used as an introduction to mediation.

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[8] This case originally appeared in Randy Hoffman and Fred Ruemper, Organizational Behaviour: Canadian Cases and Exercises. North York: Captus Press, 1994. It is used here in modified form with permission of the authors.

Mediation is a process which helps people resolve disputes. It differs from arbitration and adjudication in that arbitration involves a judgement by a third party as to what the resolution to the dispute should be. An adjudicator is a judge of the facts and renders a decision. A mediator helps the parties in the dispute find their own solution.

A key difference between the two processes is in terms of this outcome. An adjudicated dispute may well leave one or the other or both parties quite unhappy with the result. This can lead to an appeal or to continuing conflict between the parties. It is often a solution of the Win/Lose variety.

The successful mediation of a conflict leads to a satisfactory solution for both parties. It is a Win/Win solution. Although each may not get what they originally sought, they will both be satisfied with the result. The conflict ends with a successful mediation that is unlikely to be appealed to a higher authority.

One of the primary methods used by the mediator to help the parties find their own solution is to work with them to improve their communication. By the time an independent mediator arrives on the scene the conflict has probably gone on for some time and the communication process may have been impeded by destructive interactions. A key mediator function is to get the parties communicating in a clear and rational manner. This may involve establishing rules for fair communication, especially if there is a power imbalance between the parties to the dispute.

Effective mediator behaviour includes:

1. Neutrality. Nothing ends the mediation process faster than the belief by one of the parties to the dispute that the mediator is biased against them. Lack of trust leads to feelings of anxiety, reluctance to self-disclose and hostility.

2. Careful attention to verbal and non-verbal communication. Good mediators attend to what people are saying and how they say it. They take many notes, show a keen interest in their comments and seek clarification of needs and wants.

3. Communicate very little themselves. Mediators avoid saying or doing anything judgemental. They restate the issues and points of view, ask for clarification, keep things moving, and unblock firm positions. They keep the discussion focused on the present.

Stages of mediation:

1. Entry. The ground rules for the mediation are agreed to by the parties. The mediator develops a relationship with the parties which is based on trust.

2. Fact finding. Through a question and answer process the mediator helps the parties identify and confront the issues about which they disagree. Often a dispute will be a mixture of facts and values. Value conflicts are beyond the scope of easy change but issue conflicts can be resolved. The mediator can help the parties separate the issues and get them on the table. Real positions can be separated from irrelevant power plays. Effective mediation involves getting the parties to identify their interests which often lie behind their stated positions.

3. Option building. The mediator helps the parties discover the options they have to resolve the dispute. This involves an invitation to be as creative as possible about options. Options should address interests rather than positions.

4. Bridging. Once the options are clear the parties need help in moving toward accepting one of them. At this stage it is important that the parties to the dispute take ownership of their ideas for resolving it since they must ultimately accept them as a solution.

5. Closing. The deal is struck and the details are worked out. The parties agree on how to sell it to others who have an interest in the outcome. The mediator has a role in selling the deal once it is struck.

Group Task: In groups of four, work through one of the following cases. In addition to the three roles identified in the case there is a fourth role of Coach. The coach is the advisor to the mediator and observes how the mediator is doing. The coach can call time-outs to meet privately with the mediator and give advice.

Case #31: THE PROFANE PROFESSOR

Complainant's Role:

You are _____________, a twenty-five year old student who has decided to return to school after "stepping out" for a few years while experiencing teenage marriage and parenthood. Neither experience was easy and you are now a single parent and sole support of two youngsters in Kindergarten and Grade Two. Your youthful pregnancy and marriage caused you to drop out of high school prior to graduation even though you have always been a good student.

A year ago you started to pull your life together and decided to take upgrading courses to prepare yourself for post-secondary education. Your plan has been on track and things are going well. You are now enrolled in the first year of a music technology program at a local college. Prior to returning to school you had supported your family with some part-time work as a disc-jockey. You found you liked it and were quite successful at it. You hope to work at a more technical level and are confident of your future success.

Right now you are really upset with your popular music professor, _______________. You can't believe that the college would tolerate such behaviour from one of its faculty. He uses profanity in class and never misses an opportunity to talk about sex. His sexual references seem to centre on his own fantasies and life experiences. He seems to want to impress the younger people in the room with his liberated approach to life and his widespread experiences. You don't see how any of this has any relevance to the course content (you checked the course outline and read the book and found no requirement to discuss sexuality or profanity at a personal level). You want him to stick to the course and stop his in class sexual and profane diversions. You aren't a prude but you haven't made this major investment in your education to be diverted by this teacher. As far as you know you are the only student to complain, but you know you aren't the only one who is unhappy with him.

Respondent's Role (Case # 31):

You are ________________ and you are a professor in the music technology program. You have been a popular member of the faculty for the past twenty years and have basically been doing things the same way ever since you first arrived. Your speciality was in popular music at university and you have always seen yourself as a pretty with-it guy.

Your student evaluations have always seemed excellent. Your self-esteem is strong and you are proud of your ability to relate to the young people of today.

You were very surprised when the Human Rights Officer asked you to make an appointment to receive a complaint. The complaint is from one of the female students in your popular music course who is upset with what she says is your inappropriate use of profanity in class and your continuous talk about sex. The complaint has you mystified. You never had a complaint before and this one seems really harsh. The student has taken everything out of context. You don't think you dwell on sexual matters but it is a theme in popular music and a topic of interest to young people.

Mediator's Role (Case # 31):

Your name is ________________ and you are a long standing member of the student counselling services at the college. A student, _________________, has filed a complaint with the Human Rights Officer about a Professor by the name of ____________________. The complaint is that he uses profanity in class and makes sexual references about most of the subject matter in his course.

You have been selected as mediator because of your participation in a recent mediator training workshop and your background in the student counselling department. You don't know the complainant but the respondent is well known to you. For years there has been talk about him around campus and you have heard student complaints in your counselling role, however there are no previous formal written complaints on record.

Facilitator's Note (Case # 31): In this case we show how you can leave blanks in cases for facilitators to write in names or labels that they feel are consistent with the training goals, issues and culture of the institution. You may do this with any case, of course. However, we found in writing case stories for this manual, that blanks are too confusing in this context if the case involves constant reference to several characters. After all, the reason for using names in case stories is to distinguish one character from another.

Case #32: WHO NEEDS PROFESSIONAL DEVELOPMENT?

Complainant's Role:
You are Juan, a relatively new faculty member in the business department at your university. For the past year you have had your heart set on attending the upcoming annual conference of the Professional Market Research Society (PMRS) in Ottawa. You have prepared an important paper that you submitted and it has been accepted for presentation at a workshop. This is the first time anyone from the program has had a paper accepted for presentation at this group and you believe it will bring much prestige to you and to the program. The cost of the conference is about $1000 including: conference fees, air fare, single accommodation at the Chateau and a few incidentals. This represents the balance of the money in the business program conference pot. As far as you are concerned this is a just and fair reward for all of the effort you have put into upgrading the level of academic excellence in the program which frankly is desperately in need of all the upgrading it can get. It seems to be top heavy with tired old business types.

Unfortunately you may not get the money. Alok, the head of the department, has recommended that the money go to Sam one of those "tired old business types", a crony of his from the old days. In your view the only useful contribution Sam could make would be to apply for early retirement. He still lectures from the same notes and overheads he developed twenty years ago.

You have appealed to Alok to reconsider his decision or at least offer a satisfactory explanation for his lack of support for your initiative. While he said he was pleased that your paper was accepted for presentation he nonetheless wants Sam (the "tired old business type") to go and he won't explain why. Your personal finances are such that you cannot afford this on your own as you are responsible for a large household.

Alok has suggested mediation to resolve this dispute; you have reluctantly agreed. He has asked Mrs. Parsa, a well-respected senior employee from the benefits department to be the mediator.

Respondent's Role (Case # 32):

You are Alok, the head of the business department. For some months now you have been trying to revive a rather moribund department. The problem, as you see it, is that you have an aging and somewhat tired group of faculty who lack enthusiasm for their jobs. Some of these old cronies of yours seem to spend their days watching their investment portfolios shift with the market tide and count down the years until they can retire on a decent pension. Unfortunately most of them are too far from retirement for that to be a viable option. Recently you have been working on Sam and have convinced him to get involved with the Professional Marketing Research Society again and see if it will inspire him. Your inducement was to supply him with funding to attend the annual conference in Ottawa.

Juan then applied for money to attend the same conference. Apparently he will be presenting a paper on his recent innovations. You would really like to encourage Juan's initiative. He is a resourceful and enterprising young faculty member who is a key element in your plan to renew the program. Unfortunately you only have $1000 left in the budget and you have been working on Sam for quite a while and feel committed to your renewal plan with him.

Mediator's Role (Case # 32):

You are Dorothy Parsa from the benefits department and you have been asked to mediate a dispute between Juan, a member of the business faculty and Alok, his department head. Alok told you that the issue concerns the allocation of professional development resources for an upcoming conference in Ottawa. You know that Alok wants to allocate the money to Sam, a more senior faculty member.

You know Juan because he has come to see you about changing the benefits policy to be more inclusive of medical expenses in extended families. You know Sam because he is one of the old timers who is part of the "burned out burden" that the senior management group has been talking about lately. Further, Sam has consulted with you about the possibility of taking early retirement. He has confided in you that he cannot keep up with "this new group of students" who have come into the city this past year.

You have decided to provide the parties with a copy of the university's policy on professional development funding for information before you meet with them. At first glance, this seemed like a straight-forward case but you are now wondering if this incident reflects institutional discrimination.

Facilitator Note (Case # 32): This case may unravel systemic or institutional discrimination in policies and practices for funding of professional development in post-secondary institutions. It raises issues of seniority, merit, and (depending how you interpret it) racial discrimination. You can set up the mediation as it is and see what happens, using prompts to guide the discussion. Or you can delete or add more information to shape the case more clearly to meet your own training goals. You could add Sam to the case and write up a role for him. You might also role-play the case without the mediator role.

In this format, the participants should only receive the information for their own role. Other information should be shared during the role-play.

Case #33: THE AFTER PUB CLASS

Complainant's Role:

You are Professor Lopiccolo and you have had a struggle with students attending class after lunch in the student pub. The lunch seemed to feature too many glasses of beer. The only problem is with the Wednesday afternoon class. The other two classes are in the morning. You have already had two sessions with the students about this problem. At first the issue was that the students were skipping the Wednesday class and when you dealt with them in class about this the result was that several of them came to class when they were intoxicated. When you then dealt with the drinking it seemed to clear up the problem except for Tom.

Tom has insisted on his "right" to drink and to attend class afterward. He denies that he is impaired and is quite aggressive about this. His aggressive behaviour has you worried for your own safety. Last week when you asked him to leave the class he refused and started waving his arms in your direction.

You have filed a complaint about Tom's behaviour and have asked that he be permanently removed from your class.

Respondent's Role (Case # 33):

You are Tom, a senior student at the college. Professor Lopiccolo has filed a complaint against you and has asked that you be permanently removed from her class. She claims that on several recent Wednesday afternoons you have come to class while intoxicated.

This is an extension of an earlier issue of attendance at the Wednesday afternoon class. You and several of the students in the class had developed the routine of going to the campus pub at lunch prior to Professor Lopiccolo's class. When she found out what was going on she "raised the roof" and so you started showing up with beer on your breath. She didn't like that either.

None of your other Professors care what you do at lunch. All they care about is that you do the work. They don't seem to mind if you don't show up all the time.

You figure that as a mature student you can do what you want with your life. Professor Lopiccolo isn't a morality cop, its none of her business whether you drink, besides you can handle your own booze.

Your friend Karma told Professor Lopiccolo that you are taking medication for an affective disorder. You are really angry with her for doing that! As far as you are concerned, your health and behaviour is your own business and you aren't telling anyone anything. Karma thinks she is such a know-it-all, questioning you about your medication and telling you that "the booze cops" have "proven" that the combination of medication with alcohol increases the effect of the alcohol by three times. You just wish people would mind their own business and leave you alone.

However, you know you will be in serious trouble if you are barred from her class. It is the only section of this course and you need it to graduate.

Mediator's Role (Case # 33):

You are Josef a student and member of the Student's Advisory Council. You have been called on to mediate a dispute between a student and a faculty member. Professor Lopiccolo has filed a complaint against Tom, a senior student and has asked that he be permanently removed from her class. She claims that on several recent Wednesday afternoons he came to class while intoxicated and exhibited threatening behaviour.

One reason you have been selected as mediator is because you are the president of Bacchus, the student organization for responsible drinking. You know that there is a problem with on-campus pubs and that some students don't always exercise the best judgement. You also know that not all faculty see the pub as a problem. You were a student of Professor Lopiccolo and know that she sets high standards for her students.

You do not know Tom but he has a reputation as "an all-around guy" who can have a great time but can also be aggressive. There was some rumour that he had "punched out" his coach in a basketball game in first year.

Facilitator Note (Case # 33): This is an extension of the case presented earlier to demonstrate how you can take the same basic theme or story and create different formats for analysis. The first presentation of this case was in the more traditional business-school style, with the reader discussing the case from a third-person more removed vantage point. And of course, changing the details and names used in the case alters the discussants perspective also. They may not be aware of the assumptions they make based on the meaning they attach to the character's names, status, qualities or "problems". This is an opportunity to raise their awareness.

III. A PROGRESSIVE CASE

Facilitator Note: A progressive case is one in which the participants are given additional pieces of information during their discussion of the issue. Usually the initial document is the longest as it sets up the story. Participants stop after reading the first (and subsequent parts) to discuss the issues to that point. In this case, sample discussion questions are included but you could guide the discussion in whatever direction you like. The advantage of a progressive case is that it allows participants to follow through a process as in "real time", make decisions and discover the consequences later, and evaluate the process. A progressive case can be analyzed in one day or over a series of days. It's format allows for the more intensive detail and set-up that some facilitators and participants prefer.

Case #34: THE HONOURABLE HEAD-HUNTER[9]

Head-hunter Part A

Bob Marshall finally knew it was wrong when George Baker bluntly told him, "Don't send me any black applicants". That forthright statement by his client rang the bell. The problem was what should he do about it?

Bob worked as a head-hunter for the Adanac Employment agency in the City of Toronto. He had been on the job for about a year. Before that he had worked in sales but as the economy grew sluggish he found it opportune to move into this new kind of sales career. For reasons he was only now understanding it was a growth industry when the rest of the economy was weakening.

The business was fairly straight forward. A local business would hire Adanac to refer candidates for job openings. Small and medium sized businesses found this to be easier than maintaining their own personnel departments. The client would send over a job description with a list of the qualifications they were looking for. The head-hunter would look through Adanac's pool of applicants to find suitable matches and arrange interviews. A fair amount of time was spent with these job applicants, making sure the information about them was complete, accurate and up to date.

Adanac earned a fee when a client selected one of its candidates. The head-hunter earned a commission on the same basis as if the match had been a sale. When Bob first joined Adanac he was assured it was a sales job like any other, "Just give the employer what he wants." Bob learned it was a different sales job in one important way...the money could be terrific. To a guy like him, who was accustomed to the hustle of the sales world it was like putting a fox in charge of the chicken coop. None of the other head-hunters at Adanac had a sales background. Mostly they had been office workers or in a few cases blue collar people. He quickly realized that he could climb to the top and that could mean salary and commission approaching $100 000 per year.

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[9] This case originally appeared in Randy Hoffman and Fred Ruemper, Organizational Behaviour: Canadian Cases and Exercises. North York: Captus Press, 1994. It is used here in modified form with permission of the authors.

The problem was "giving the employer what he wants". As long as he stuck to the application form and the job qualifications it seemed easy enough. The reality was different. He would send over a perfect match only to have him or her rejected. Naturally Bob would follow up, eager to close the sale and wanting to know how to improve his product. The employer would just say, "The applicant had a bad attitude." When he would ask for particulars, none would be forthcoming.

Another common response from the employers when rejecting an applicant would be that, "The chemistry wasn't just right." "Chemistry" seemed to be as obscure a concept as "attitude". He asked one of the other consultants about this and one of them suggested that he was not looking at the right aspect of attitude or chemistry. Maybe he had better look at the offices of the clients and see if his candidates would fit in ethnically or racially. Bob checked it out. He made certain that the next candidate he forwarded to the employer was a suitably white Anglo-Saxon even though her formal qualifications for the job were actually a poor fit.

She got the job. In a post hiring interview with the employer he was advised that the job as a receptionist was highly visible and looks mattered more than anything else.

Bob realized that to find the person the client wanted, including the right attitude and chemistry, was going to mean a supplementary set of job qualifications. And even more importantly it meant a supplementary set of candidate's qualifications. The problem with both of these tasks was that it was sort of frowned on by the Human Rights Commission. Modern "approved" application forms and job postings are remarkably sterile documents. All they tell you about the job is what skills, knowledge, experience etc. is required. The same with the candidate's resume. It tells what they can and have done. Neither has a word to offer about "attitude" or "chemistry".

Bob learned to get around this problem by making his own shorthand notes on the forms about these off-the-record attributes and requirements. He even learned there was a sort of office code in use: "Mary" meant Jamaican, a paper clip identified an Oriental, an asterisk marked a handicapped applicant and a reference under Working Conditions stating that this job was "In public view" meant "Send over white applicants only". One unexpected observation he made was that these "marked" candidates seemed to be exceptionally well qualified. Whenever an employer did not refer to attitude or chemistry, they ended up with a very suitable employee.

The other thing he learned was how to justify all this subterfuge. The head-hunters had their conventional wisdom about the job. "Our business is to find the person the client wants. We get paid to find the right attitude." "If a client wants to discriminate in hiring, that's their problem. Me, I don't hire anyone." "Why should I waste everyone's time sending over a candidate I know isn't going to get the job." "The client doesn't hire me to teach him about the law. If he wants to know the law he'll hire a lawyer."

Over a period of months Bob came to realize that one of the reasons for the growth of the employment agency business even as the economy slowed was that the agencies had taken on a whole new role. They were serving as a route around the Human Rights Code. Employers were very leery of running afoul of the act especially after there had been a recent, high profile and costly settlement against an electronics retailer for overtly discriminating against non-white applicants. Smaller firms were prepared to pay experts to cover for them.

Despite his nagging concerns, Bob managed to convince himself that while what he was doing might not be righteous, at least it was OK. His rationalizations were in place. He knew that if he did not do the job, someone else would. And the money had become a strong incentive.

George Baker rang the bell good and loud. By bluntly directing Bob to not send any black applicants, he had pushed things over the edge. Up until then his relationship with the employers had maintained the subterfuge of discrete, even polite, discrimination, if such was possible. The cover was now off and Bob could feel his helpful justifications falling away. If he undertook a direct contract to discriminate against blacks in the hiring process for George Baker then he was Baker's agent and he would clearly be breaking the law. He might even be implicating Adanac and its owner Harvey McGill in the offence since he was in his employ, following the policy of "meeting their clients' needs."

It was late enough on Friday afternoon for him to leave and take the weekend to decide what to do.

Task 1: Help Bob with his weekend. Summarize the issues and concerns he faces. What are his options? What contingencies exist with the different options? Draw up a plan for him to follow to deal with the conflict he now feels.

Head-hunter Part B

Bob's strategy was simple. If he was going to break the law he was not going to do it alone and without his employer's knowledge and consent. In other words he wanted Harvey McGill on board and backing him all the way. His major concern was being isolated on this problem.

He had every reason to expect Harvey's support with this problem. Harvey had singled him out for praise and recognition several times and was quite interested in his sales skills in filling their clients' needs. Their interpersonal relationship was also quite solid. Bob had even been invited to join Harvey and a couple of the old timers for an after work happy hour on a couple of occasions.

He arranged to see Harvey first thing Monday morning. At their meeting Bob laid it all out. If he was going to comply with George Baker's request then Bob expected Harvey to back him up. The back-up would consist of a written statement from Harvey that Adanac expected its head-hunters to comply with all of the clients' requests.

Harvey was cagey. It was quickly apparent to Bob that he was not going to get a written directive. Harvey correctly pointed out that such a document would be damning evidence in any case that resulted. Furthermore, Harvey stated, he did not condone any subterfuge carried out by his employees aimed at circumventing the Human Rights Code. He did acknowledge that he was aware that a few isolated liberties were occasionally taken but that these were the exception not the rule.

Bob was stunned by all this. He challenged Harvey's plea of ignorance about the usual office practices and pointed out that Harvey had to be aware of this powerful drive behind the current growth of his business. Bob also pointed out that the whole structure of the business with head-hunters heavily reliant on commissions to earn a decent living clearly indicated management support for the practices they were following.

The meeting ended unsatisfactorily. Bob did not get his cover as he had hoped, and he was even more confused than ever by what was going on.

Later that afternoon Harvey stopped by Bob's office and invited him out for a friendly drink. Just the two of them. After they got settled into a quiet corner of a nearby lounge Harvey began by saying that this was just a friendly off-the-record chat. Harvey said he did not want Bob to be confused as a result of their official meeting this morning. He explained that he knew exactly how his business operated and that he realized the nature of the requests his head-hunters were sometimes called upon to fill. He was aware of the dodges they used to hide their true work. But, he explained, it was important to maintain the formal cover of compliance with the law, and that meant learning how to accommodate the George Bakers and their blunt requests. He went on to say that he saw all this as a transitional phase with some remaining old style business people who had not recognized the changing colour of the community and the work force. He commented that eventually everyone would realize that discrimination cut you off from too large a pool of talent and that nobody would care if your image had a little variety in it. He added that he saw all this current scramble to circumvent the Human Rights Code as a backlash against employment equity programs espoused by governments.

He concluded his remarks by assuring Bob that he greatly valued his work and that Bob would be receiving a memo the next morning informing him that he would receive a raise in his commission rate.

Bob felt he had little choice but to thank Harvey for this background information and for the raise. This off-the-record support was better than the deceit of the morning. He now knew exactly where each of them stood.

Task 2: Exactly where do Bob and Harvey stand? What does Bob do now? Have his concerns been resolved enough to allow him to continue with his job? Do Harvey's rationalizations help smooth things over?

Head-hunter Part C

After mulling things over for the rest of the week, Bob realized that there was some truth to Harvey's point about the changing nature of the community and workforce. He also thought this might be the last backlash of a fading majority, not yet ready to welcome the future, and suspected that Harvey, like his clients, was one step behind the times.

He reviewed his files of applicants to confirm his earlier feeling about how well qualified these "marked" applicants were. His suspicions were correct. In almost any job category if you requested white only or some such restriction you invariably lowered what you could get for the other job related attributes. The pool of well qualified WASPs was getting dry.

He also checked out the employment equity programs and quickly realized the enormous pressure that recruiters for these programs were under. But he saw this as a trend that business would eventually have to follow. New government legislation ensured this trend. A few phone calls confirmed that this was indeed a significant market niche.

His business plan began to take shape. He would help companies meet their employment equity targets. Maybe he could set up a subsidiary to help prepare employment equity plans. There were many possibilities.

Bob decided to cut his association with Adanac and launch his new business with one stroke. He blew the whistle on Adanac and its illegal and unethical practices. He contacted a reporter for a major Toronto daily paper which he knew to have a progressive editorial policy and he told all.

The reporter covered the story with additional material from advocacy groups, a representative of an employment agencies association as well as the usual politicians.

The big play was from the Human Rights Commission which announced an immediate investigation. As a footnote the reporter announced Bob's plan for a new employment service of minority head-hunting.

Task 3: Evaluate Bob's actions and those of his employer. What are the legal and ethical ramifications? Discuss his options and chances of success in his new business venture.

Head-hunter Part D

Bob's business got off to a roaring good start. He soon had a large pool of very well qualified job applicants. The jobs are a little harder to find but they are coming in. He has had a problem getting government agencies to use his services. They are not attuned to using a head-hunter.

Bob is now worried that he has acted precipitously. He wonders if the whistle blowing strategy was injudicious. He certainly received a lot of negative feedback to the newspaper story.

Harvey sent him a very brief note. It said, "Nobody, but nobody, likes a Whistle Blower."

Task 4: Discuss whistle blowing as employee behaviour. What are the ethical and practical considerations involved? How would whistle blowing of a colleague's discriminatory behaviour be received in your workplace?

Head hunter Part E

Six months later, the following story appeared in a major metro newspaper.

> ### JOB AGENCY SHOWED BIAS, RIGHTS BODY CONCLUDES
>
> The Human Rights Commission has confirmed that some staff from Adanac, a metro area employment agency, did comply with employer requests to discriminate when sending them job candidates. The Commission is continuing to investigate the policies, practices and procedures at Adanac for systemic as well as direct discrimination. When asked to comment, a spokesperson for the company said that Harvey McGill, the owner of the company, did not create, ratify, authorize, sanction or condone discriminatory practices and therefore is not responsible for his employee's behaviour. He denies any role in the problem.

Task 5: Who is responsible? Is anyone liable?

Names of facilitators to contact for assistance in using the case model:

Fred Ruemper
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Barrie, Ontario L4M 3X9
(705)728-1968 (1447)
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Wendy Ruemper
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SOCIAL ACTION THEATRE

WELLNESS EDUCATION TRAINING TROUPE

presents

R-E-S-P-E-C-T:

All I Want Is A Little Respect!

2.3 SOCIAL ACTION THEATRE

Social action theatre is a complex method of harassment and discrimination prevention education which encourages the audience to directly confront harassing, discriminatory and violent behaviour. In this social action theatre model students role-play vignettes about current social problems in their university. It's effectiveness derives from the portrayal of situations that students experience in their university and college life in a way that draws the audience into the situation at an affective as well as a cognitive level.

The characters respond to situations of harassment and discrimination in a typical, but not desirable way. Then they explain their rationale for their behaviour to the audience. After a short role-play, the actors respond to questions from the audience "in character". This technique engages the audience by giving them a chance to question (and confront) the characters' actions, hear the characters' rationales for their behaviour, and discuss the attitudes that underlie the dialogue. The format encourages participants to express their ideas and ask questions they might otherwise feel inhibited to discuss. If the audience members feel free to express their views, they may also be willing to hear a message from the session that differs from their own. The interaction of the audience with the actors is of critical value to this type of harassment and discrimination prevention education.

In this section, Carm de Santis and Marlene Pfaff explain how the University of Guelph formed its social action theatre troupe and implemented this model of harassment and discrimination prevention education. Carm, Marlene and other facilitators at the University of Guelph will assist other universities and colleges in learning how to establish a social action theatre on their own campuses. Information about how to contact them is provided at the end of this section.

Carmela De Santis, B.A.
Marlene Pfaff, M.A.

Time: full workshop -- approximately 2 hours

STARTING OUT

This model originated at the University of Guelph and is still evolving. It began in the summer of 1993 when a staff member responsible for student health education from the Student Wellness Centre created three vignettes to address sexual decision-making, sexual violence and sexually transmitted diseases called 'Let's Talk About Sex'. Under her supervision, student volunteers from the health centre performed for their peers attending the summer semester and fall student orientation. The vignettes provided a basis for an interactive discussion led by the supervisor and an opportunity to give specific facts and information about the issues in the vignettes. The student performers stayed in their character roles for the discussion.

The presentations were well received. The students seemed to identify with the issues and the peer performers. The use of humour and the open-ended vignettes encouraged the audience to interact with the student performers and the facilitator. Follow up evaluations reported a high retention of information.

The sexual violence scenarios generated numerous and lengthy discussions during and after the workshop presentations. As one of the student participants and co-facilitator, I (Carm) felt strongly that more educational programs were needed on aspects of sexual violence in dating relationships particularly addressing sex role socialization, sexual assertiveness and communication skills. I also needed to fit this into my academic life. With the support of my thesis advisor and the supervisor of the troupe, I was able to incorporate this experience into my undergraduate thesis. As a result the scenario "Sexual Coercion: No Means No" was developed. I wrote to selected instructors from the Sociology, Family Studies and Rural Extension Studies Departments in the fall of 1993 requesting permission to present this scenario to their classes. A total of 13 classes and 1045 students viewed it; the students, overwhelmingly, evaluated the presentation as very informative.

The opportunity to perform in front of many audiences was extremely helpful in improving the quality of the production and increasing the credibility of the troupe. Since 1993 the troupe has performed for high school students, first year students at orientation, residence staff, peer helpers, chairs of departments, and other groups in the university and community. The troupe has also been invited to perform at several conferences.

The University of Guelph social action theatre troupe writes its own vignettes to ensure they are true to relevant issues on campus in any given year. The vignettes described in this project and illustrated in the video were developed and implemented by this troupe. They encompass situations of sexual harassment, sexual orientation and sexual violence (date rape).

SELECTING A COORDINATOR AND FACILITATORS

First, individuals were selected to assume the roles of facilitator and coordinator. The role of the coordinator is to provide organizational support for the troupe while the role of the facilitator is to assist with the performance and encourage interaction between players and participants in the audience. At Guelph, both the facilitator and the coordinator worked with the troupe members to design the scripts and practise the scenarios.

The duties of coordinating, facilitating, and training may be shared and combined in a variety of ways, among different people. The University of Guelph facilitators and coordinator are employees of the Wellness Centre but they could be recruited from any area of the university or college community. We preferred to have a paid employee of the institution directly involved with the troupe as a coordinator to provide resources and support for the troupe. This gave the troupe additional legitimacy in presenting an issue as controversial as harassment and discrimination. A further benefit is the employee's ability to access resources and establish networks with other staff to foster the work of the troupe and generate interest in its activities.

In the Guelph troupe, the coordinator of the troupe is also one of the co-facilitators of the performance. Co-facilitation is beneficial because each facilitator brings a different perspective to the discussions and provides support to each other and the troupe. It presents a strong model of support, collaboration, shared responsibilities and different perspectives. Working in partnership can increase credibility through an additional voice, provide valuable assistance with organizational tasks (from equipment to flip-charting) and offer support in dealing with difficult situations (from troupe member problems to challenging audiences). The co-facilitators share views about the topics, develop the vignettes and work with the troupe. It is important for them to know one another's facilitation styles, and have some sense of each other's strengths and weaknesses. Co-facilitators should be representative of differences in status, race, gender, sexual orientation and ability.

In planning the event, the facilitators share responsibility for various aspects of the performance, introductions, closure, resource information, leading the discussion, answering questions, etc. After every session we evaluate the session with the troupe.

RECRUITING TROUPE MEMBERS

In Guelph, students were recruited as performers because the troupe believes it is most effective to have peers educate peers -- in this case, students teach other students. If your audience is other members of the university or college community then you could recruit performers who are more representative of the larger community.

In the beginning, Guelph recruited volunteer students mainly through word of mouth within the student body. Since "like tends to recruit like", this method has at least two flaws. First, it relies on individuals to approach the organizers, an effort which is much easier if you, or your friend, already knows them. This process may give the troupe the appearance of a "closed club" to other students. Second, the process limits diversity among the players, especially from groups already marginalized at many institutions.

A better recruitment strategy now being used by the University of Guelph has attracted a more diverse group of students. We placed ads in alternate as well as mainstream newspapers and organizational newsletters. We posted notices in all campus locations, contacted campus organizations, explained the goals of the troupe and asked their help in recruiting. As a result, next year we will have a troupe more representative of racial and ethno-cultural diversity.

SELF-SCREENING OF TROUPE MEMBERS

Because a primary goal of social action theatre is to educate its audience on current social issues rather than demonstrate superb acting, volunteers are not screened for acting skills. Any screening of volunteers is essentially self-screening. Volunteers must be committed to the issues and the goals of the social action theatre program. Some volunteers find the program goals inconsistent with their personal and political views and screen themselves out. Although the initial turn-out of volunteers is high, many drop out because of the onerous workload and dedication expected in the program. The program requires the volunteers to make a serious commitment to the troupe in time, dedication to the goals of the program, and emotional energy required to play their roles.

PROGRAM EXPECTATIONS FOR TROUPE MEMBERS

The coordinator and facilitator clarify the program expectations for troupe members before the first training session and often in subsequent meetings. The expectations are written and distributed to the troupe members and are discussed by the group. At Guelph, they include:

- mandatory attendance at training and team meetings;
- individual input for script development;
- individual input for character development;
- regularly scheduled individual meetings with the coordinator;
- information on who is facilitating each training session and what is expected of members at the session;
- accurate portrayal of characters and role-play situations;
- knowledge about the issues and the context in which they occur;
- commitment to a decision-making process based on consensus;
- respect for other troupe member's confidentiality;
- willingness to receive and give feedback on performances; and
- willingness to bring problems to the attention of the coordinator.

TRAINING

Training plays a key role in the success of a social action theatre program. Guelph has found the following strategies useful in training a cohesive, knowledgeable, and skilful troupe:

1. Plan training carefully: identify areas of weakness, bring in experts to discuss key issues, and use audio-visual and print resources to supplement training. Training is a mini-course using adult education principles that build on the knowledge of the participants.

2. Set aside a lot of time for training. Since one of the objectives is to build a team, members need time to get to know each other as well as learn about the issues and become skilled at developing and presenting scenarios.

The Guelph troupe was fortunate to have the summer months open for training with student members available to meet weekly and practise as a team. Guelph scheduled whole week-ends for training and/or met during the week for shorter sessions. Week-end training is more intense and allows for solid team building; however, it can be perceived by the members as "information overload" and prompt tension among the recruits.

Shorter training sessions scheduled over a number of weeks allow information to be shared over more time and give members a chance to digest the information between sessions. Coordinating training sessions around troupe members' class and work schedules during the week is difficult; however, finding an hour or so is often easier than finding free week-ends for all members. The Guelph Troupe found a combination of some week-end and shorter weekly training sessions worked best. Regardless, on-going training is essential to the success of the troupe.

3. Take time to have fun as well as train. Plan a few social activities, like a potluck or going to see a play, so that members can interact with one another more informally.

4. Involve a drama or theatre specialist in your training.

The University of Guelph is fortunate to have an excellent drama department. One faculty member from the drama department gave four three-hour sessions on theatrical style, effective content delivery, presentation of information, and later directed us in practice sessions. It was very helpful to have an expert available when "theatrical" problems arose to help solve problems on short notice. Other sources for theatrical help may be local high school drama staff or members of amateur theatre groups in the community.

5. Practise, practise, practise.

DEVELOPMENT OF THE VIGNETTES

In developing a vignette, the troupe members research the topic and share their findings with the others. The participation of all troupe members in this process is important to the production of the vignette because the personal knowledge acquired in researching the topic is necessary for the members to create a scene and play the characters with a good understanding of the underlying issues.

First, the information each member gathers is shared with the others and discussed in terms of its relevance to life on their own campus. Next, the group gathers to outline a vignette and the key points they want to address. After considerable discussion and agreement on the points to be raised, the troupe designs the character roles to illustrate the issues and situations they want to address. The final step is writing the dialogue.

Guelph has dialogue in two ways. The first involves general group discussion and debate about what should be said. This method is a more rational, academic exercise of trying to come to group consensus about the key points that should be raised. It can lead to heated discussion and concern about whether all voices are being heard. We have varied this technique by separating into smaller groups which create the dialogue using the criteria earlier established by the larger group. Sometimes the dialogue comes easily and other times the process can be challenging and long.

A second, more theatrical and playful method is to design dialogue using a series of exercises designed by the drama department and acting out a pose of the issue without dialogue. For example, in creating the heterosexism vignette, the characters acted out a straight couple showing their affection in public in contrast to a lesbian couple who were unable to show affection in public without considerable risk. The idea is to build a series of poses, like a silent movie. The exercise begins with small groups, usually of two to four people, acting out a variety of messages. The group watches all of the poses and chooses those they think best illustrate their message. Then they improve them or start over with new poses; it may take some time before the players feel they have created the best poses.

The process allows the players to develop scripts without being constrained by having all the correct language in place. The words can then match the actions. Once the group agrees on the scenes and the major points, the dialogue is adjusted to flow better, to accurately reflect the issues and to fit the characters in the situation.

After the dialogue is written, it is necessary to review it, checking for phrasing that may elicit unnecessary controversy or draw the audience away from the central points of the vignette. For example, in the heterosexism vignette the troupe needed to emphasize that this was not an issue about the morality of homosexuality, but of human rights and dignity; therefore, it was important to emphasize that "normal" could not be presumed to be heterosexual.

After researching the topic, developing the scene, character roles and dialogue, the troupe begins to practise. This part is fun and it prepares the players for presentation before an audience. It is here that having a theatre person to use as a resource is invaluable.

After the performance, the troupe meets to debrief. This is a very important part of the process. Meeting immediately after the performance while the interactions are fresh in everyone's minds is best. This is particularly true when performing new vignettes and modifications are expected. It is very important to draw feedback from the audience, critically evaluate this feedback, ask for clarification of points and make the necessary changes in the performance or the script. Sometimes in the course of doing a vignette in front of an audience, the troupe realizes it did not work as they had planned. Then, they must determine if the problem lies with the content, dialogue, presentation, or facilitation of the interchange with the audience. In these situations, debriefing sessions are critical.

PROBLEMS WITH THE TROUPE

Sometimes troupe members quit the troupe. When that happens, the coordinator should ask the member why s/he is leaving to determine if there is a problem pertaining to the troupe that should be resolved. Potential problems may be averted if the coordinator holds regular meetings with each of the members.

Because members do leave, it is important to have an adequate number of troupe members to allow replacement of character roles easily. If all troupe members are part of the whole development of the script, the troupe has greater flexibility in moving members into different character roles without formalizing understudy roles.

As untrained actors, troupe members who portray the abuser or perpetrator roles may become victims of their own characters. In order to distance themselves from the abusive characters they play, the actors may begin to exaggerate their behaviour to the point where their characters seem too villainous and less believable to the audience. This exaggeration can destroy the realistic situations the troupe is trying to achieve.

In their roles, perpetrators of discrimination and harassment may also experience feelings of power which abusers gain from oppressive situations. The realization of these feelings of power can be very traumatic for the players. The coordinator must be wary of this problem because it can have a negative effect the individual player, other troupe members and (if acted upon) the reputation of the social action theatre. If players are experiencing these difficulties, the coordinator should intervene and suggest they take time off from playing the role or, in serious situations, counsel them to leave the troupe.

Coordinators and drama coaches can also assist players in developing strategies to prevent personalizing the roles by instigating discussions with the troupe about how members feel about their characters, and by distributing the perpetrator roles among a number of players to alleviate the stress experienced by any individual troupe members. Discussing issues troupe members are facing with their participation in social action theatre is valuable as long as the group discussions don't turn into personal counselling or therapy sessions.

THE PLACE OF LAUGHTER

Sometimes the audience (workshop participants) may respond to the performance with laughter. Facilitators must manage this laughter, judging when such occurrences might enhance understanding or acceptance of an issue or a point and when the laughter may be offensive or counter-productive. In any case, the facilitator must ensure that in all discussions, harassment and discrimination are treated as serious subjects with serious impact on the victims. The facilitator's role is to increase people's understanding of the problems created by discriminatory and harassing behaviour and assist them in taking action to prevent harassment and discrimination.

OUTLINE FOR A WORKSHOP

1. Preparing the Participants: In introducing social action theatre, the facilitators review the objectives of the session, explain the format of the presentation and review the issues to be presented through role-play. Facilitators talk about the issues of harassment and discrimination and their impact on the working and learning environment at the institution; address issues of discrimination and how they affect participants; and identify strategies to prevent harassment and discrimination. They also acknowledge the sensitivities some audience members may feel about the issues and mention resources and community assistance available to anyone who would like help or more information.

The facilitators then briefly describe the scenarios to be presented and how they were created from actual cases from the institution with identifying characteristics changed. Since these scenarios are only examples of what exists, they may not reflect the depth and complexity of other people's experiences; rather they are simply a tool to guide us in examining our own behaviour. Before the performance begins, the audience is reminded they will have an opportunity to ask each character questions after the scenarios are dramatized and during the role-play session with the audience.

2. Facilitated Discussion and Role-Play with the Audience: After the dramatization of the scenarios, the facilitator invites the audience to ask questions of the characters "in role" allowing direct interaction between the workshop participants and the characters in the scenarios. During this dialogue, the facilitator can expand the discussion beyond the particular situations depicted in the role-play to examine broader issues of harassment and discrimination and its prevention. This time can also be used to clarify any misconceptions raised during the vignettes.

After a 15-20 minute question period, the actors come out of role, introduce themselves and offer personal insights into their work and what they do. The facilitators again invite the audience to ask the actors questions about their experiences in social action theatre and their feelings about playing the characters.

3. Developing Prevention Strategies: After interaction with the troupe players, the facilitators turn the discussion to action plans and developing strategies to prevent harassment and discrimination. To begin this discussion the facilitators may use prompts or direct questions to the participants or invite them to brainstorm ideas about how we can prevent harassment and discrimination -- reinforcing the central theme "the responsibility is ours".

4. Resources for Workshop Participants: The coordinator displays on a table or distributes to the participants information about resources available on campus and in the local community on issues related to harassment and discrimination. The benefit of distribution is that participants need not feel embarrassed by picking up materials from a table.

5. Evaluations: At the end of the session, the facilitators distribute a short evaluation form asking the participants (audience) to comment on the value of the contents, process, and issues raised in the workshop, and for suggestions to improve the learning experience.

6. Debriefing: After the participants have left, the facilitators and troupe members discuss the session, analyzing issues raised, difficulties in communicating the key message, problems with the presentation or content of the scenarios, etc. If the troupe is unable to remain for this discussion after the session, they arrange to meet at a later date.

EXAMPLES OF SCRIPTS

Script # 1: Seeing Beyond The Label?

Heather:
Laura:
Tim:

(Heterosexual couple are having a conversation about their special weekend while sitting at Coffee Shop)

Tim: I'm looking forward to this weekend - I know it will be special!

Heather: Well, birthdays only happen once a year and I want to make sure you remember every teeny-tiny minute...(embraces him)

Tim: WOW! I don't think I'm gonna want to forget...(looks passionately into her eyes)

Laura: (Laura walks up to the "loving couple" and greets them) Hello there - how are you two doing?

Heather: I'm doing well, but Tim has a lab like right now...(she pokes him)

Tim: Yah Yah, I know - I better go and work on it, or I am going to have to come in on the weekend, and as I recall, I have plans (smiling)

Heather: You better get going and get it done...

Tim: Okay! Take care Laura hopefully we'll see you soon...

Laura: I would like that...

Tim: Maybe you and Heather can set something up, (turns to Heather) okay (and gives her a kiss on the cheek) so long! (Walks off stage)

Heather: Isn't he wonderful!

Laura: He is something alright.

Heather: Anyways - I'm so glad you called me. We don't spend enough time together these days!

Laura: I know - our lives are just to busy with school and work. Remember in high school when we would cut class and sit around for hours and talk about everything.

Heather: Yah - those were the good old days. Things were so simple back then?

Laura: Why don't we get together soon, I would like to spend some time with you and Tim.

Heather: Actually, Tim and I are going to see a movie tonight - why don't you and your new man join us.

Laura: Well (pause) I don't think my partner can make it, maybe some other time?

Heather: Oh come on, just call him!

Laura: Heather - there is something I have been wanting to tell you. This person I have been telling you about isn't a man - the person is a woman. She is wonderful! You would really like her! We have been dating for close to three months - her name is Kelly ...

Heather: You aren't joking are you? This is crazy - you are not a LESBIAN! I can't believe it! What has happened to you? I just don't understand, you have always been attracted to men, what is this, one of your rebellious phases? Well you better out grow it, its not you Laura?

Laura: I am not going to grow out of this like an old pair of shoes. Hey, this is ME! I didn't choose to be a lesbian - but I did choose to acknowledge my feelings for someone who I really care about! These feeling are not going away. Can't you understand, that I feel for Kelly like you feel for Tim.

Heather: What did Steve do to you? Are you just trying to get **even** with him and prove a point. Did you have a bad experience before Steve? Have you been lonely... (Laura cut her off)

Laura: That's not fair! I finally found someone in my life who makes me feel so happy, who really cares about who I am inside. Steve never made me feel like this, and NO I have not had a bad experience with men. (Sarcastic) Did you have a bad experience with a woman? Is that why you are with a man? Look that isn't the point - what I have with Kelly is special and fulfilling. What is wrong with that?

Heather: Laura, what if she gives you AIDS? I mean, this is life and death! Don't you care about that, or is the sex so good?

Laura: Heather (very surprised) AIDS is not a gay-disease. I am at no higher risk of getting AIDS than you are. Hey, I am subject to the same diseases anyone else is... Its not who we are that protects us, its how we protect ourselves.

Heather: (Looking around the coffee shop anxiously) What if people find out that you are gay? You can't tell anyone about this! How are you going to be treated. What are you and Kelly going to do - hide from the world? People are not going to accept this... (she nods her head)

Laura: You're right - How are people going to treat me? I'm the same person I have always been. I haven't changed, except now I feel I am not having to hide who I am. I still feel the same way, think the same and I'm your best friend Heather! The only difference is I am being true to my feelings and I can't express them like you and Tim, that's what hurts. If you have the right to let the world know you are happy, why can't I?

Heather: Happy, I thought having a family would make you happy? How do you expect to have a family in this relationship? Women and women - it doesn't work. That is why there are men, this is not normal, why would you do this to yourself? (Empathetically) That does not looks like happiness to me!

Laura: Why do you think you can place judgement on my personal feelings and what makes me happy. I am still Laura! Yes I want a family and to raise my children. Why shouldn't I? The only difference between you and I is that when I lay down next to my partner, I am laying down beside a body which is similar to my own. She is a human being - a breathing, loving, giving, caring individual who has made me happier than I have ever been before. Please don't deprive me of that! Do you know what it is like to be considered less human because of sexual orientation?

Heather: No, I don't.

(The scene freezes ... they leave the stage)

Script # 2: Is it Sexual Harassment?

Mary:
Julie:
Robert:

(Julie walks in to her tutorial session, she greets her fellow classmates with a smile)

(Teaching Assistant is at the front of the class and begins the session...)

Robert: Today we are going to go over the assignment that you received at the end of yesterday's class...

(Mary enters the class)

(T.A. begins to lose focus and looks to Mary)...Um ...so why don't you compare your assignment with your neighbour and I'll come around and see all of you individually. (Walks over to Mary) I was starting to think you weren't going to come today.

Mary: Sorry I'm late...I missed the bus (avoids him and tries to focus on Julie's work)

Robert: No problem - if that ever happens again, you can always call me for a ride.

Julie: (In frustration) Excuse me, Robert, can you tell me what's wrong with this answer?

Robert: Yeah sure, (gives a little laugh) I noticed that neither of you got that one right... (and brushes her off) Mary - by the way, did you get the message I left on your phone mail? I thought it might cheer you up, you know, after your breakup.

Julie: (Annoyed) I don't think anyone got that answer right! Can you put it on the board Robert?

(Robert walks to the board and writes...)

Julie: (With relief) Finally...I didn't think he'd ever leave us alone.

Mary: I can't believe it! I don't know how he found out about Bill and me, or where he got my number!

Julie: I thought you were going to talk to him?

Mary: I did, I told him last week that I wasn't interested in dating him.

Julie: Well, this lab is turning into a big waste of time. If you're here, he spends half the time bugging you - and if you're not here, he hounds me, wanting to know where you are...

Mary: I'm sorry - I'll try to speak to him again. I need this to stop!

Julie: I need it to stop too - I am barely passing the course, and this lab is supposed to make up for it - AND IT ISN'T!

Robert: (Turning back to the class) Ok, that's it! See you next week. And remember assignment #5 is due, and NO extensions.

Julie: Good Luck! I hope this time it works, because neither of us can afford this right now!

(Julie leaves)

Mary: (Walks up to Robert)
Robert, do you have a few minutes to talk?

Robert: Sure - how about over lunch?

Mary: No thank you, I'm not hungry.

Robert: I am - so let's go.

Mary: No! Robert, this needs to stop. I can't concentrate on my work, I am falling behind...

Robert: Mary, if you want an extension, you just have to ask - I'll give it to you. I understand what it is like after a break up. (He puts his arm around her - she moves away) All you need is some cheering up, so how about going to the humour film festival. This is the last night.

Mary: Robert please - I have told you I don't want to date you and that I'm uncomfortable with you touching me!

Robert: Hey - I understand, you just broke up with Bill, and you need some time, that's fine - I can go slow.

Mary: No! Robert don't touch me, don't ask me out again and don't call me at home!

(Scene freezes, they leave the stage)

Script # 3: Sexual Coercion: "No Means No"

Ann:

Jim:

Jim: I first met her at a party. She looked really hot, wearing a sexy dress that showed off her great body. We started talking right away. I knew that she liked me by the way she kept smiling and touching my arm while she was speaking.

Ann: I first met him at a party. He was really good looking and he had a great smile. I wanted to meet him but I wasn't sure how. I didn't want to appear too forward. Then he came over and introduced himself. We talked and found out we had a lot in common. I really liked him.

Jim: She seemed pretty relaxed so I asked her back to my place for a drink ... when she said "yes", I knew that I was going to get lucky!

Ann: When he first asked me over to his place for a drink I thought it would be OK. He was such a good listener, and I wanted him to ask me out again. (Pause) I didn't want him to get the wrong idea, but when we got to his place there was only a bed to sit on. We talked for a while and then he made his move. He started by kissing. I really liked him so the kissing was nice. But then he pushed me down on the bed. I tried to get up and told him to stop!

Jim: When we got to my place we sat on the bed kissing. At first, everything was great. Then when I started to lay her down on the bed she started twisting saying that she didn't want to. I know most girls don't want to appear too easy so I knew she was just going through the motions. When she stopped struggling I knew that she would have to throw in some tears before we did it.

Ann: I said "No!" - but he was bigger and stronger. I got scared and I started to cry. I froze... and that's when he RAPED ME.

Jim: She was still very upset afterwards and I just don't understand it! If she didn't want to have sex why did she come back to my room with me? You could tell by the way she dressed and acted that she was no virgin, so why did she put up such a big struggle, I don't know...

Ann: It took only a couple of minutes and it was terrible, he was so rough. When it was over he kept asking me what was wrong, like he didn't know. He had just forced himself on me and he thought that was OK. He drove me home and said he wanted to see me again. I'm so afraid to see him. I never thought it would happen to me...

BIBLIOGRAPHY FOR SOCIAL ACTION THEATRE MODEL

ABC News Coronet/MTI Film & Video, 20/20. They never called It Rape, 1991.

Advisory Committee on Sexual Harassment: Annual Report, University of Guelph, 1991-1992.

Anderson, W. & Cummings, K. "Women's Acceptance of Rape Myths and Their Sexual Experiences", Journal of College Student Development, Vol. 34, 1993, pp 53-57.

American College Health Association. Acquaintance Rape: Is It Dangerous, 1987.

Berg, S., Golec, J., Hancock, J., Saraswati, J. & Thompson, S. Promoting Health on Campus: Improving Student Health Through Peer Education. Edmonton: University of Alberta, 1993.

Clack, R. J. & Stump, R. "Male Issues Group", Journal of College Student Development, Vol. 34, 1993, pp 225-226.

Fennell, R. & Waldon, C. "Sex Matters: Encouraging Students to Discuss Sexual Health", Journal of College Student Development, Vol. 34, 1993, pp 223-225.

Gauthier, L. "Date and Acquaintance Rape: Educators' Guide", Educational Campaign to Combat Date Acquaintance Rape on College and University Campuses, Ministry of Colleges and Universities, 1992.

Gressman, G., Usher, C., Sanders, S., Epstein, P., Brodowicx, M., & Carbone, C. "Female Awareness of University Sexual Harassment Policy", Journal of College Student Development, Vol.33, 1992, pp 370-371.

Harvest Media Productions. Sexual harassment, The Campus Perspective, 1981.

Healthvisions Inc & Motion Media. Playing The Game, 1989.

Holcomb, D, Sarvela, P., Sondag, K. & Hatton Holcomb, L. "An Evaluation of a Mixed-Gender Date Rape Prevention Workshop", Journal of American College Health, 41, 1993, pp 159-164.

Intermedia Production, Rape Treatment Centre, Santa Monica Hospital. Campus Rape, 1990.

Kahn, A., Mathie, V. & Torgler, C. "Rape Scripts and Rape Acknowledgment", Psychology of Women Quarterly, Vol. 18, 1994, pp 53-66.

Keyes, L. & Simmons, M. "Gender Issues Programming for Men", Journal of College Student Development, Vol. 33, 1992, pp 274-275.

King, R. Talking gender: A Guide to Nonsexist Communication. Toronto: Copp Clark Pitman Ltd., 1991.

Lenihan, G., Rawlins, M., Eberly, C., Buckley, B. & Masters, B. "Gender Differences in Rape Supportive Attitudes Before and After a Date Rape Education Intervention", Journal of College Student Development, Vol. 33, 1992, pp 331-338.

Lenskji, H. An Analysis of Violence Against Women: A Manual for Educators and Administrators. Educational Campaign to Combat Date and Acquaintance Rape on College and University Campuses, Ministry of Colleges and Universities, 1992.

Lifetime Production, Inc. Against Her Will: Rape On Campus, 1989.

Multimedia Entertainment, Inc, Donahue. Date Rape On The College Campus, 1990.

National Film Board of Canada. Forbidden Love, 1992.

National Film Board of Canada. Out: Stories of Lesbian and Gay Youth, 1993.

Parrot, A. Sexual Assault Education Manual for Programming on Acquaintance Rape. Cornell University, 1990.

Parrot, A. Using Improvisational Theatre Effectively In Acquaintance Rape Prevention Programs on College Campuses. Paper Presented at the 1987 Annual Meeting Society for the Scientific Study of Sex Convention, Atlanta, Georgia, 1987.

Perennial Education, Inc. Someone You Know, 1989.

Pyramid Productions. Without Consent, 1987.

Rio Hondo Production. Violation Of Trust Tele-Conference, 1993.

Rutgers, The State University of New Jersey. A Little Respect: Gay Men, Lesbians and Bisexuals on Campus, 1990.

Sandler, B. No Means No, Sexual Harassment and Date Rape. Campus Life Policy Series, Association of Governing Boards of Universities and Colleges, Washington, 1993.

Schaeffer, A. & Nelson, E. "Rape-Supportive Attitudes: Effects of On-Campus Residence and Education", Journal of College Student Development, Vol. 34, 1993, pp 175-179.

Waldron, M. & Moore, G. Helping Adults Learn: Course Planning For Adult Learners. Toronto: Thompson Educational Publishing, Inc., 1991.

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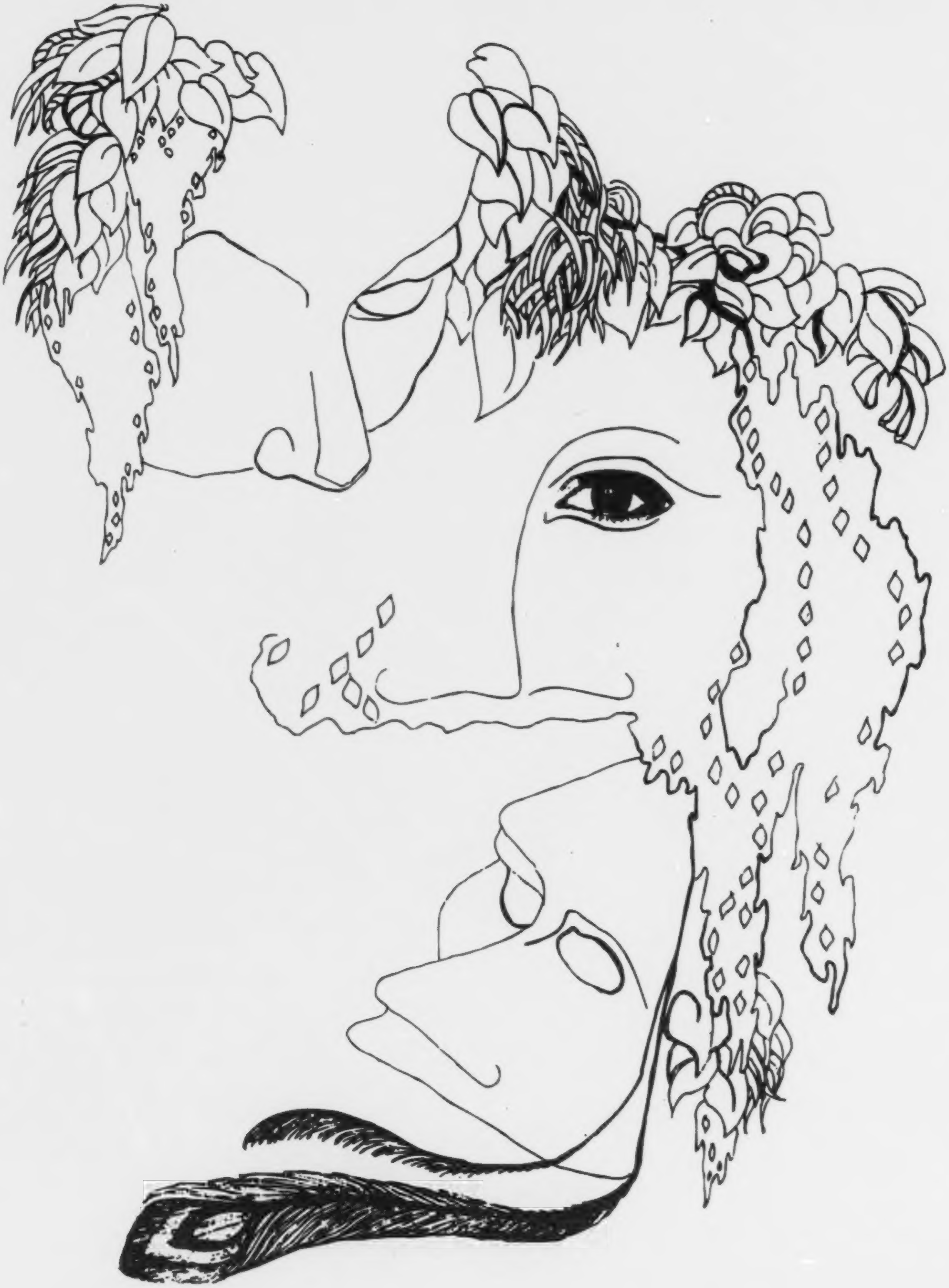
THEATRICAL MASKS



Artist: Carolyn Horley

2.4 THEATRICAL MASKS: EXPERIENCING THE CHILL

The theatrical mask workshop creates a setting for rich discussion and creative problem-solving that goes beyond the debate of human rights legislation and policies and the designation of particular groups as being subjects of harassment and discrimination. In these workshops, facilitators invite participants to experience the feelings of "the other" without identifying with a particular gender, race, religion, sexual orientation or ascribed membership in any other designated group.

The theatrical masks allow even the most hesitant participant to play the role of a striking character. Because the exercises are enacted in silence, the participants experience the situation without worrying about dialogue. This leaves them freer to experience their emotions. Further, since the masks cover facial expressions (and concerns about displaying their emotions to others), the individual can set aside uncertainties which might mar traditional role-playing workshops. The masks provide a powerful and thought-provoking visual and emotional metaphor for others and an opportunity for the participants to experience marginalization.

The workshop begins with a discussion and analysis of the chilly climate. Then, to augment their sensitivity to the chilly climate, the participants first examine and experiment with the masks, and then choose one to wear for the exercises: they experience the "chill", and then become "the other". Finally, the participants discuss their experience and generate strategies to counteract the chilly climate.

In this section, graduate students Judy Gould and Lynne McNab and Professor Leslie O'Dell describe the theatrical mask workshops they have developed for harassment and discrimination prevention education at Wilfrid Laurier University.

Leslie O'Dell, Ph.D.
Judy Gould, M.A.
Lynne McNab, B.A.

Time: full workshop -- approximately 2 hours

THE MASK AS METAPHOR

In ordinary human communication, groups of individuals develop complex systems of communication which become part of the "culture" of the group. Facial expressions, part of these communication systems, are not easily read by outsiders. The act of masking the dominant group but not the "other" group is a metaphor for marginalization in the work or study place.

Another pattern of exclusion can be found in language. We have tried to capture in a metaphor the alienation that can be experienced when someone does not understand or is marginalized by the language patterns of the dominant group by having those in masks do no more than utter "yes", "no", or "I don't know", or by limiting their verbalization.

Metaphors are not intended to create a direct or specific co-relation, but rather, as in poetry, to open up the senses and the soul to the essence of a complex human experience.

There is something primal about the mask as an artefact. Anthropology, archeology, theatre history, psychology, and studies in human communication have all contributed to a long and well-documented record of masks. There is something about the immobility of the face that heightens the communicative power of the eyes. There is, of course, the aesthetic impact of the theatrical masks we use. As the masks sit onto different heads, atop of different torsos, moved through space by different sets of legs, and reinforced by different sets of arms and hands, they change even as they retain their absolute and rigid material presence.

Much fun can be had with masks, as we witness annually at Halloween. They can protect the self and so reduce inhibitions, which is useful for this sort of role playing. They can also "take over" and do all the work for the participant, so that there is no need to bring extraordinary acting abilities to the enactments of the scenarios. In that sense also they can be liberating for non-actors.

Some people love the sensation of wearing the masks. Others find it claustrophobic, or disturbing, or just too silly to bear. WE ALWAYS ENCOURAGE PEOPLE TO REMOVE THE MASKS IF THEY ARE UNCOMFORTABLE. WE ALSO REGULARLY CALL FOR THE MASKS TO COME OFF. In particular, we suggest that masks come off whenever people are talking about what they are thinking or feeling. Nothing is more disturbing than listening to a person talk while looking at the mask he or she is wearing!

FACILITATING THEATRICAL MASK WORKSHOPS

What attributes and training are needed for excellence in facilitation of theatrical mask workshops? The facilitator should:

- follow the model of adult education;
- avoid set ideology or preaching;
- avoid providing answers;
- draw solutions from the group;
- connect the solutions to the questions raised by the group;
- value the contributions of participants: ask for reactions and build on these reactions and discoveries at regular intervals of "debriefing"; and
- shape contributions of participants by reframing general and/or aggressive comments into the more archetypal metaphors of the masks.

Facilitators may come from a variety of backgrounds. A theatrical training can enhance the facilitation of the introduction to the masks and the scenarios. Social work, psychology, or adult education background can enhance the facilitation of group discussions.

Facilitators should have strategies in place for defusing confrontational and/or argumentative discussions and also attempts to hijack the workshop for any sort of personal agenda by one or more of the participants. Because any discussion of the experience of marginalization might well result in the revelation of distressing personal experiences, facilitators should also have strategies in place for addressing the needs of a single participant and/or the group as a direct or indirect result of anything said in the discussions. If neither facilitator is a trained counsellor, this should be clarified and appropriate support identified for participants as required.

We recommend a team of two facilitators; diversity in background, life experiences, gender, race, sexual orientation, age, or politics can be demonstrated in a team. A pair of facilitators can split the sections, so that one leads while the other floats and assists. In some of the preparation, one participant is taken out into the hall and briefed while the second facilitator briefs the larger group in the main room. If by some chance a single participant needs extra attention, one facilitator can take on that role while the other keeps the workshop going.

PRIOR TO WORKSHOP

1. Invitations:

What we do - We invite a number of willing participants from all areas of the campus. We have found that if we want a workshop of 8 participants then we should invite at least 2.5 times that number of individuals.

Why we do it - We invite participants from a broad cross-section of the campus to avoid lumping all of one sector of campus life together, to allow for cross-fertilization of ideas, and to decrease the potential of hidden agendas and discomfort which could occur if, for example, the staff of one department attended the workshop. Enforced participation, which could take the form of direct or indirect coercion, subtle or overt, is not appropriate for such an experiential model. If participation were mandatory then anyone who attends in order to resist would derail the experience for others. We found that when the facilitators personally invited participants then this fostered an open dialogue, so that potential participants' fears and uncertainties could be addressed directly and in advance -- for example, how much time the workshop would take, the content of the workshop, and the facilitators' expectations of the participants. We believe that a small number of interested individuals can "infect" the work and study place for positive change; this is not a workshop for mass processing of campus-wide participants required to attend as part of a superimposed strategy for transmission of factual information.

How we do it - We contacted potential participants vis-a-vis memos, e-mail, notes, phone calls approximately two weeks prior to the workshop. News of our workshop was transmitted through a story and pictures in campus publications within which was an open invitation to anyone curious about workshops to contact us. Although again we would caution against inviting one particular office group, we do encourage inviting campus organizations who are already mobilized for social change, i.e., student unions, sexual harassment committees. We would also note that we learned that those who we might think could benefit from this experience might resist attending. In our experience we found that some senior members of administration were leery of attending especially if they thought they were being targeted for participating (e.g., senior male faculty and administrators although certainly a few members of this group attended the workshops). Our target group became those individuals in the institution who had an interest in this type of workshop. Feedback that we received from senior management indicated that administrators might be more comfortable intellectualizing rather than participating experientially in a workshop.

2. Logistics:

What we do - To prepare for the workshop, the facilitators book a room (a space of about 20' x 15' is appropriate), order food (we have ordered in pizza, beverages, cookies), ensure a safe and comfortable space (close the exit doors for privacy, find a room in which most of the space will be utilized, display the masks near the circle of chairs so participants feel an invitation to play with them as they walk into the room and so they can view them during the introduction to the workshop).

Why we do it - For the enjoyment and support of the participants and facilitators.

How we do it - The room should allow for the free movement of the participants. Tables for the masks (one long or two short ones) and a place for the mirrors (positioned behind the masks) can be set up against one wall. Chairs will be needed for the introduction and for the discussion. We set aside sufficient time to set up and also to restore the room (usually 30 minutes to set up and 30 minutes to clean up). At the end of the workshop some people may want to linger and talk so ensure that there is no group waiting at the door to take over the space immediately after your event. You may want to book the room for an additional hour after the workshop is scheduled to be over.

THE WORKSHOP

Stage 1: Greetings

What we do - Our aim is to establish a relaxed and yet informative mood.

Why we do it - No matter how much we might describe the workshop in letters and invitations, the participants are still uncertain and curious. The sooner their anxieties can be lessened, the better. If the participants are arriving from the workplace, participants need to unwind and put aside their work-place roles and tensions.

How we do it - From the beginning, the masks are immediately visible and people are invited to look at them, to touch them, to pick them up and try them on. Food and drink are also readily available and people are invited to help themselves. The chairs are placed in a semi-circle, and people are invited to sit and relax. The facilitators' first names are used and if there are more than 8 participants, name tags are provided for participants to fill out and wear. The facilitators use participants' names to help the group get to know one another. We also encourage facilitators to schedule the workshop towards the end of the day so that participants do not need to go back to work. Participants are also encouraged to change into comfortable clothing.

What we do - Call the session to order and introduce the goals of the workshop.

Why we do it - Participants are busy people, who need to know the workshop time will be used efficiently and productively and that leadership will be provided. A clear statement of goals and ways of working together decreases anxiety and allows participants to focus their energies. We also want to establish an interactive style of presentation.

How we do it - One facilitator invites everyone to sit down and announces the beginning of the session. This person introduces the workshop. The other facilitator introduces him/herself and invites responses to the question, "what are the barometers of a chilly workplace"? Participants are asked to contribute to the list of examples of a chilly workplace. This also serves to introduce the participants to each other. Facilitators use a flip chart to record the themes from the discussion. The themes are discussed again in the wrap-up session.

Stage 2: Preparation for Exploration

What we do - Participants are introduced to the masks so that they can develop quickly some strategies for enacting workplace discrimination.

Why we do it - There are a few simple techniques which elevate the impact of the masks in the third stage of the workshop. The participants can learn this repertoire very quickly and use the scenarios as effective enactments and opportunities for exploration. If the participants feel comfortable and effective in the masks, they participate with greater pleasure and freedom in the third stage. We spend just long enough in this stage to reduce anxieties in working with the masks but keep our focus clearly on this stage as a means to an end. Participants include people with no acting experience and also people who are uncertain or resistant to the idea of having fun with the masks or role playing.

How we do it - We invite everyone to go to the tables and explore the masks freely. Facilitators wander around and join in the reactions to the masks, assist participants with eyeglasses to find masks that fit easily over the glasses (usually the masks with a large brow ridge), and anyone else who needs help putting on or removing a mask. Facilitators encourage participants to find a mask they like. "Like" can mean feeling comfortable in wearing the mask, enjoying the striking effect in the mirror, or enjoying the reaction of others when wearing that mask. Once everyone has chosen a mask, the group is led through a few exercises to explore the expressive qualities of the masks.

Stage 3: Experiencing the Chill

What we do - We led the group through a series of scenarios that explore the chilly workplace/studyplace.

Why we do it - We believe that a recent and vivid experience of being marginalized, "the other," heightens the impact of the brainstorming session dedicated to practical strategies for decreasing discrimination. We have found that the masks serve as a potent metaphor for some of the most pervasive and subtle instruments of discrimination.

How we do it - Set up each of the scenarios and then observe the actions of the group (if there are an uneven number of participants then we recommend that one of the facilitators participate in the exercises). Invite discussion immediately following each scenario. Note participants comments as you plan to explore further the closing brainstorming session.

Stage 4: Strategies for Change

What we do - Gather the group for a relaxed discussion of discoveries, perceptions, sensations, and the practical strategies which emerge from these.

Why we do it - The workshop experience needs to be explored intellectually by some. Past participants have explained that the workshop needs to result in practical applications. Pragmatic and specific strategies for change are needed on the campus and change can start with a single individual.

How we do it - The chairs once more are drawn into a circle and participants are invited to discuss their experiences freely. Facilitators moderate so all have a chance to speak if they wish. Facilitators document the concrete ideas which emerge and distribute them to participants in a follow-up package. Facilitators assist the group to reach closure in keeping with the announced time of the workshop and remain for informal discussions with participants after the workshop. The facilitators provide information to encourage future discussion and feedback and they inform participants about on-campus or community resources should a participant request assistance that the facilitator is unqualified to provide.

ONE VERSION OF THE WORKSHOP

Outlined next are some specific examples and details from the workshops that we have facilitated.

1. Introducing the Workshop

During the introduction we emphasize that participation is voluntary and that participants can withdraw from any or all activities at any time. We ask participants to "interrupt" the process of the workshop with comments and questions. We explain that we will explore the subtle forms of discrimination that can turn a workplace or study place into a "chilly climate," and develop some practical strategies for decreasing this in our own work and/or study places, to which we'll return at the end of the workshop. We invite everyone to contribute a description of a "chilly workplace", in other words what are the subtle signs someone may be experiencing marginalization? If the group cannot come up with the first couple of examples, then the facilitators can mention such signals as the Children's Christmas party, which may be expecially alienating to people whose religious ov\bservances do not include Christmas or, the incessant use of sports metaphors in meetings, which alienates those who do not know the jargon. We have found that the more subtle the early examples, the better.

2. Introduction to the Masks

When we are introducing the masks, we encourage the participants to turn the masks over to see how they have been made. We acknowledge the artist, Carolyn Horley, a props-maker working at the Stratford Festival. She makes masks for sale in craft stores as well as for use in theatre productions. We tell participants to feel free to try on any of the masks, to hold them up to their faces, look in the mirror, and look at each other. We let them know that they'll have the chance to try using more than one mask, so when they make their choice it's not going to be for the entire session.

3. Building a Repertoire of Skills

In this section we encourage participants to work in pairs with the masks so that the masked person moves in ways that facilitate "otherness" for the unmasked person. The first exercise involves working in silence while the masked person turns their back to the unmasked person and then very slowly turns around, faces the unmasked person, and points at them. The group is asked for their reactions. Then the unmasked person is asked to kneel in front of the masked person and look up at their head. Beginning with their back facing the unmasked person, the masked person turns around very slowly while looking down upon the unmasked person as they do this.

Next, the unmasked person stands up and with his/her back facing the masked person (who is now kneeling but looking up at the unmasked participant), turns around very slowly. Again the participants are asked for their reactions. The masked and unmasked partners now switch roles.

In the next exercise, the masked person begins with their back facing the unmasked person and then turns around slowly in a full circle sweeping past the unmasked person. (Reactions are monitored and comments from the participants can be linked by the facilitators to the subtle ways a chilly climate can operate.)

Next the people in masks face the unmasked people while standing across the room from their partners. The masked people turn their backs, then turn around slowly, face their partners, walk slowly towards them and slowly raise their arms and then point at their partners. Discussion after this exercise usually focuses on how the chilly climate is systemic and permeates our workplace.

Participants can change masks between any of the exercises if they choose.

4. Group Play

In this next module of exercises, the participants begin to interact with more participants to prepare themselves for the workplace scenarios while practising the repertoire of skills they have acquired in the previous exercises.

1. Ring Around the Rosy: In this first exercise participants "jockey for position". In mask they walk around and inspect each other . Participants form a circle in which every second participant walks in the same direction so that everyone gets to look at each other while remaining in a circle. They are asked for their reactions to this exercise.

2. The Promenade: In this exercise one masked or unmasked participant stands in the centre of a circle while other masked participants parade around him or her. The centre person is told that they are going to choose one of the masked participants - a fate desired by all masked people. The masked people parade in a circle around the centre person trying to be picked and to outdo his/her competitors (See Figure 2: Demonstration 3). Again participants are asked about their reactions and about what they did to elicit a certain reaction from the centre person? If at any time the participants feel disconcerted about using the masks it may be important to demystify them, i.e., talk again about how they are made.

5. Workplace Scenarios

We ask that during these scenarios the masked participants not talk except to grunt or to use one word like "yes", "no", or "over there", etc. to the unmasked person. Language is available to the unmasked participant.

1. Busy Workplace: One participant is asked to volunteer to be unmasked (all will get a turn at being unmasked). The first scenario focuses on a busy work setting. At this point one facilitator takes the volunteer outside the room. There the unmasked volunteer is told that they can be whatever "other" they choose (for example, different gender, race, ability). They will be introduced into the busy workplace as the new employee. The unmasked volunteer can choose at which point to discontinue the scenario.

The masked participants are asked to choose a busy workplace setting such as talking on the phone, photocopying, rushing hurriedly from office to office.

At the conclusion of the scenario, masked and unmasked participants are asked for their reactions. During the discussion, the facilitators emphasize that while the participants may be experiencing the "other" in today's workshop, issues like gender, race and different abilities render some unable to ever escape the experience of the "other". Facilitators illuminate the fact that sometimes the chill comes from subtleties like lack of language, cultural touches, eye contact or lack of eye contact.

2. The Committee Meeting: One participant agrees to remain unmasked. In this scenario a student is bringing forth a complaint or a request to change a course. The scenario could also be played out with a faculty member making a presentation to the board; a staff member receiving an evaluation or community

members laughing at a coffee break. Again the unmasked person playing the student may talk but the masked individuals may not. Outside the room, the unmasked volunteer is told that s/he is a student coming to a committee to request a change of course or whatever. The unmasked person is told s/he can discontinue the scenario at will. The masked individuals are not encouraged to act any particular way towards the student. During the debriefing we ask the masked and unmasked individuals for their reactions. We emphasize that the masked individuals were not necessarily hostile towards the student even though that is the way they may have been perceived by the unmasked person.

3. The Reshuffled Department Meeting: In the hall two unmasked volunteers are told that they are new to this department. They have never met each other before and do not know anyone in the department in which they will be working. They are also told to think of themselves as the "other" (whatever that means to them). Masked participants are told that their department has recently undergone staff reshuffling wherein four staff have been reassigned to different departments in the university. Two people from another department in the university have taken over their jobs. Presently they are waiting for the first meeting of the newly formed department to commence. The chair person for the meeting has not yet arrived. Before the unmasked volunteers enter the room, the masked people set the seating so there are insufficient chairs for the new members.

During this debriefing unmasked volunteers are asked for their reactions to being unmasked together. Was it a different experience for the group when two people were unmasked? Were the unmasked people aware of each other? What was their relationship?

4. The Coffee Break: One person volunteers to be unmasked (preferably someone who hasn't been unmasked yet). Again masked individuals are denied language. Outside the room, the unmasked person is an "other" (of his/her choice) and also a new employee who will be introduced to his/her coworkers during coffee break. We do not tell the unmasked volunteer outside the room that the other participants will be gradually unmasking.

The masked participants are told that the new employee will be introduced to them during their coffee break at which they will be laughing and joking around with one another. When the unmasked person is in the hall, we ask for two more volunteers.

When the unmasked outsider comes into the room the first masked volunteer will remove his/her mask a few minutes into the scenario. The second volunteer does not take his/her mask off at all. All other participants gradually take their masks off one at a time as the scenario progresses. This is best done very gradually so that any shifts in movement between individuals during the scenario can take place. When there is only one person left with a mask on, let the scene continue for another few minutes. What are the reactions of the group? What happened as people gradually unmasked (e.g., body language, movement, eye contact, etc.)? How did the first unmasker feel? How did the new employee react to their unmasking? How did the second last and last masked participants feel? The goal of this scenario is to illuminate how "the other" feels to be accepted and how the last masked person feels when s/he becomes the "other" in the group.

6. Sharing of Discoveries and Strategies for Change

During the extensive discussion period which concludes the workshop, the participants reflect on their experiences, then relate them to the barometers of the chilly workplace and finally determine how they can change the workplace environment. We have learned to resist the temptation to refer to other workshops: the discoveries of each group are sufficient for the generation of rich exploration of issues although every group approaches the scenarios in strikingly different ways.

7. Follow-up

We strongly urge facilitators to send out a workshop package to participants following the event. We do not send this out in advance, because it inevitably signals an agenda which locks participants into a set series of concerns. The follow-up package can be shaped to address the concerns raised by that particular group of participants, as well as other information the facilitators would like to share with the participants A workshop evaluation should be included in the follow-up package. An example of an evaluation questionnaire we used follows.

WORKSHOP EVALUATION QUESTIONNAIRE

Please complete this questionnaire anonymously. If the space is not adequate, please continue on the back, or attach a separate sheet.

Workshop - Content

1. What, if anything, did you notice or become aware of after wearing the masks? Did you encounter any surprises using the masks? Were there any surprises for you as the unmasked person?

2. What do you think about using the masks to explore the experience of being the "other" or being perceived as different in a workplace environment? Did you find this process effective? Ineffective? Please explain.

3. How would you describe this workshop to someone who didn't attend?

4. Do you have any recommendations concerning the content of the workshop that would enhance the quality of your workshop experience?

Workshop - Process

1. What did you like and/or dislike about the way that the workshop was run?

2. Do you have any recommendations concerning the process of the workshop that would enhance the quality of the workshop experience?

If you would be willing to talk more about the content and process of this workshop, please contact (the facilitator) at (place, phone). Thank you for participating.

These are some ideas for ascertaining the experience of the participants. You may also consider taking notes throughout the workshop or immediately following the workshop, concerning your observations of what worked/didn't work. It might be helpful to include these notes and/or participant's evaluations in the manual binder. Over time other workshop facilitators and participants will have the benefit of your trial and error.

BIBLIOGRAPHY FOR THE THEATRICAL MASKS MODEL

We found the following books and articles helpful for providing facilitators with background information about racism and sexism as well as the issues related to anti-discrimination and anti-harassment education in Canada.

Amin, S. Eurocentrism: Critique of an Ideology. New York: Monthly Review Press, 1989.

Ball, W. "Critical Social Research, Adult Education and Anti-Racism Feminist Praxis", Studies in the Education of Adults, Vol. 24, 1992, pp 1-25.

Baptiste, D. "Using masks as therapeutic aids in family therapy", Journal of Family Therapy, Vol. 11, 1989, pp 45-58.

Banks, J. "A Curriculum for Empowerment, Action, and Change", In C.E. Sleeter (Ed.) Empowerment Through Multicultural Education, Albany, N.Y.: State University of New York Press, 1991.

Banton, M. "The Concept of Racism", In S. Zubaida (ed.) Race and Racialism, London: Tavistock, 1970.

Banton, M. "Physical and Cultural Differences" and "Accounting for Differences", In M. Banton (ed.) Racial Consciousness, London: Longman. 1988, pp 1-28.

Burbules, N.C., & Rice, S. "Dialogue across differences: Continuing the conversation", Harvard Educational Review, Vol. 61, 1991, pp 393-416.

Cummins, J. "From Multicultural to Anti-Racist Education", In T. Skutnabb-Kangas and J. Cummins (eds.) Minority Education, Clevedon: Multilingual Matters, 1988.

Cummins, J. "Empowering minority students: A framework for intervention", Harvard Educational Review, Vol. 56, 1986, pp 18-36.

Dei, G. "Reflections of an Anti-Racist Pedagogue", In L. Erwin and D. MacLennan (eds.) Sociology of Education in Canada, Toronto: Copp Clark Pitman Ltd. 1994, pp 290-310.

Delpit, L.D. "The silenced dialogue: Power and pedagogy in Educating Other People's Children", Harvard Educational Review, Vol. 58, 1988, pp 280-298.

Digby, T. "Political correctness and the fear of feminism", The Humanist, March/April, 1992, pp 7-9.

Ellesworth, E. "Why Doesn't this Feel Empowering: Working Through the Repressive Myths of Critical Pedagogy", Harvard Educational Review, Vol. 59, 1989, pp 297-324.

Giroux, H. "Post-Colonial Ruptures and Democratic Possibilities: Multiculturalism As Anti-Racist Pedogogy", Cultural Critique, Vol. 21, 1992, pp 5-39.

Goldberg, D.T. Racist Culture, London: Blackwell, 1993, pp 41-57 & pp 148-184.

Katz, J. White Awareness: Handbook for Anti-Racist Education, University of Oklahoma Press, 1993.

Landy, R. "The Image of the Mask: Implications for Theatre and Therapy", Journal of Mental Imagery, Vol. 9, 1985, pp 43-56.

Miles, R. "Introduction" and "Representations of the Other," In Racism, London: Tavistock, 1989.

Mohanty, C. "On Race and Voice: Challenges for Liberal Education in the 90's", Cultural Critique, Vol 14, 1991, pp 179-208.

Reyes, M.L., & Halcon, J. "Racism and Academia: The Old Wolf Revisited", Harvard Educational Review, Vol. 58, 1988, pp 299-314.

Russo, A. "We Cannot Live Without Our Lives: White Women, Anti-Racism and Feminism", In C. Mohanty et al (eds.) Third World Women and the Politics of Feminism, 1991, pp 297-313.

Spelman, E. Inessential Woman: Problems of Exclusion in Feminist Thought. Boston: Bacon Press. 1988, pp 80-132.

Tierney, W. "Academic Freedom and the Parameters of Knowledge", Harvard Educational Review, Vol. 63, 1993, pp 143-160.

Weiler, K. "Freire and A Feminist Pedagogy of Difference", Harvard Educational Review, Vol. 61, 1991, pp 449-474.

Wellman, D. Portraits of White Racism, New York: Cambridge University Press, 1977.

Names of facilitators to contact for assistance in using the Theatrical Masks model or for information on borrowing masks:

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Cultural Immersion

(NATIVE WAY TRAINING)

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2.5 CULTURAL IMMERSION MODEL: NATIVE WAY TRAINING

The premise of cultural immersion as a method of harassment and discrimination prevention education has been criticized as lacking in understanding or recognition of systemic oppression and as introducing an element of voyeurism. Concern is expressed by some critics that power relations in workshops, like the ones discussed here, reproduce the oppressive conditions they are trying to address. To the contrary, this was not the experience reported by participants in two cultural immersion education experiences at Kempenfelt Centre, Georgian College in a joint training program between the College and the Anishnabe Education and Training Circle (AETC). These experiences are described in this section by Pam Reynolds, a member of the Circle and an organizer of Native Way Training.

Cultural immersion workshops cannot be founded on the premise that the miserable experiences of others can be used as raw material to educate the dominant group on their oppressive behaviours. Critics' concerns about this model are partly because the method involves people sharing their stories. For members of disadvantaged groups, this may mean sharing stories of oppressive acts, reliving painful experiences, and risking misinterpretation, invalidation or silencing. The subjects of discrimination and harassment may be challenged by others to explain why they are subjects of discrimination and harassment in the very context of a workshop whose alleged goal is preventing it. Be wary of such uncritical use of personal experiences of oppression to educate others, and the assumption that minority participants are willing to comply and assume this responsibility for the group.

A few participants in Native Way Training expressed concern about not being given time in the process to counter perceived stereotypes and discriminatory remarks by other participants. Critics pointed to the lecture format and orderly etiquette of speaking turns within the Ahnishnabe Circle as not allowing for open debate and retort.

The epitome of Native Way Training could be subverted to perpetuate oppression. If it is, it is not because of any integral flaw in the method or the process; but because individual participants have not learned the Native Way. The Circle is key to Native Way Training and the cultural immersion model. Because the Circle requires each person to respect everyone else's views, pondering them quietly until it is that individual's turn to speak, it discourages retorts, arguments, defensive responses, and combative debate. In the Circle, every person must wait their turn, listening and respecting other's opinions. Those who follow the Native Way with its fundamental ultimate values of kindness, respect and sharing are thereby self-restrained from speaking about others in demeaning, *oppressive, degrading, harassing or discriminating ways. It is those who do not adhere to Native Way values and who do not exercise self-restraint who may subvert cultural immersion training. It is their subversive behaviour not the model itself that should be controlled or dismissed.*

A strong partnership between the Circle and Georgian College began with Native Way Training and has produced Shki-Miikan (New Road).

The Shki-Miikan Foundation Year, to begin at Georgian College in the fall of 1995, will provide an exciting and unique opportunity to learn about Native Culture and Language in a community college setting. The program combines to upgrade skills in preparation for further college and university programming of the student's choice. Shki-Miikan offers courses, taught by Aboriginal faculty in Native Heritage, Ojibway Language, Communications Issues in the Native World, Career and Lifestyle Planning, Mathematics and General Education.

Pam Reynolds,
Anishnabe Education and Training Circle

Time: full workshop -- described in 12-day and 4-day formats

THE CIRCLE

Native Way Training is based on the Anishnabe way of vision and decision-making. Core to the process is the utilization of Anishnabe values (kindness, honesty, sharing, and strength) and the concept of the Circle. The Circle represents a number of symbolic meanings in the Native culture and is employed throughout the Native Way Training process. Participants learn the significance of respecting one another from the Native perspective by honouring the Circle in their discussions. Each participant must allow the other to talk uninterrupted and accept what others have to say regardless of their own views. This process continues until all members have the opportunity to speak. In this way, members demonstrate their trust and respect for one another and create an environment where consensus is possible. This process gives all participants the opportunity to be heard rather than having the discussion dominated by a few, which is often the case. It enables those who are shy or quiet by nature to become involved early on.

It is also important that Non-Aboriginal participants gain an understanding and an appreciation of the significance of the Circle and of Native values so that these principles form the basis of the partnership as well as the long-term vision of Native control and ownership of Native education at all levels of schooling.

BACKGROUND

The Anishnabe Education and Training Circle (AETC) was formed in 1992 with the goal of providing Aboriginal people with culturally relevant post-secondary education. The AETC is comprised of seven First Nation communities as well as nine Aboriginal organizations predominantly based in urban centres in the Georgian College catchment area. As stated in the Terms of Reference, the Circle's mission is to address matters affecting Anishnabe education "to ensure the Seven Generations hereafter will have culturally appropriate and Anishnabe controlled education available to them. The Circle is also committed to ensuring that all the educational needs of Anishnabe are met, thereby ensuring our cultural survival and sovereignty"[10].

In November of 1992 the AETC formed a partnership with Georgian College. Together, the AETC and Georgian pursued funding under the Ministry of Education's Native Education and Training Strategy. The development of the Native Way Training Curriculum was one of the first initiatives pursued under this partnership.

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[10] "Terms of Reference". Anishnabe Education and Training Circle. Barrie and Area Native Advisory Council, Barrie, Ontario. 1992.

Representatives of the AETC communities/organizations believed that prior to the establishment of a true partnership and subsequent programs and services, Native Way Training Curriculum must be developed. The AETC recommended that the training be delivered as part of an orientation package to familiarize Georgian College personnel of the aspirations of Aboriginal people in terms of future post-secondary endeavours in our area.

NATIVE WAY TRAINING GOALS

The overall objective of the first Native Way Training session was to provide College employees (support staff, faculty, and administration) with the opportunity to participate, along with Aboriginal people with educational and community leadership backgrounds, in workshops and seminars. In the session, the concept of the Circle is employed as a means of sharing information and power to enhance understanding and awareness of issues affecting Native People in the past, present and future. The model can be used to develop appropriate and effective strategies for Native post-secondary education or to address other areas of interest and/or priority, depending on the focus the facilitator wishes to pursue.

The short-term goal was to bring a group of Georgian personnel representing all levels of the College together with Aboriginal community members through the Native Education and Training Strategy to develop a partnership based on trust, knowledge, and understanding. The long-term goal is to present a positive view of the knowledge and understanding of Aboriginal traditional values, and cultural teachings for both Native and Non-Native participants.

We anticipate that Native Way Training will have a ripple effect that will touch not only the actual participants but also affect the people who the participants interact with in their daily lives long after the actual training sessions.

THE FACILITATOR

The facilitator plays a major role in this training as it is s/he who will set the stage for a process that operates at an emotional level as well as a cognitive level. Key to the success of this training is the contracting of an individual who has extensive knowledge of Native Culture and above all is respected by Native people participating in the training. S/he must have first hand knowledge as well as the ability to transfer this knowledge.

James Dumont (Ohnahbinisay) was hired to develop curriculum and facilitate the training. He has pursued the cultural and spiritual roots of the traditional Indigenous

North American ways for over twenty years and has been a Professor of Native Studies at Laurentian University since 1975[11].

Dumont's particular strength comes from his complete understanding of Midewiwin teachings: specifically, his depiction of the four original gifts that were given to the Anishnabe people (kindness, honesty, sharing and strength) and his ability to express these teachings to a group in such as way as to stress their historical significance to the people and how they continue to be of paramount importance to all people today. This and other important teachings relate how Aboriginal societies endeavoured to maintain harmony within themselves and their environment. All of these teachings have a tremendous impact on participants at a personal level.

DECISION-MAKING AND CONFLICT RESOLUTION STRATEGIES

During the training every attempt is made to reach a consensus on decisions affecting the group. This practice is followed for all interactions and in all discussions. Consensus means that everyone in the Circle is in agreement; it means 100% consensus. Decision-making by group majority was employed only at our first joint session for scheduling future meeting dates.

It was anticipated that conflict may arise as a result of cross-cultural differences. Interestingly, conflict did not occur among the cultures but rather among the College personnel. Participants' organizational titles hindered their ability to honestly express themselves. Employees who held faculty and support service positions were hesitant to articulate thoughts and feelings, particularly about the College, for fear that comments might be negatively received by administrative personnel. There was also a sense that people were unable or unwilling to discard their roles within the institution and relate to the group as individuals.

Although the conflict did not take centre stage at any point during the training, it did become an integral part of the process. As the group dynamics began to evolve, the desire to be active participants and to freely express opinions increased while the fears and hesitancies dissipated. This was particularly noted in the first twelve-day format.

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[11] "Jim" is Anishinabe of the Ojibway Nation, has achieved the 2nd Degree Midewinin, sweatlodge rites, ceremonial leadership, and traditional-teacher responsibility. Jim has been "raised up" as Ogimah (chief) at the Eastern Doorway of the Three Fires Midewiwin Lodge, and, as such, is the keeper of the sacred Waterdrum and leader in the Eastern part of Ahnishinabe Midewinin territory. He is one of the founders of the Department of Native Studies at Laurentian, served as Chair from 1984 to 1988, and has created and taught courses in Native North American Tradition and Culture, Native Psychology, Native Ways of Seeing, Native Education, and Issues of Indigenous Peoples in the International Context. (Biography provided by the AETC, Barrie, Ontario)

DESCRIPTION OF THE TRAINING

Native Way training is a combination of traditional cultural teachings by a facilitator and small group work. Emphasis is placed on understanding the history of the relationship between Aboriginal and Non-Aboriginal people. The training process itself promotes the development of new relationships based on trust and respect and allows the different cultures to interact in a harmonious way.

The ambience of the room consists of 50 chairs in a Circle around the room. There are no tables, handouts, pens, paper, etc. Each participant is encouraged to listen and absorb the information. Distractions are kept to a minimum.

To date, two training sessions have taken place at Georgian's Kempenfelt Conference Centre utilizing two formats. The first session was delivered in six two-day workshops over a five-month period and the second session was delivered over four consecutive days.

1. The Twelve-Day Format

The twelve-day format was used initially to build the foundation for the partnership between the AETC and Georgian College. As such, the sessions emphasized issues facing Aboriginal people in the post-secondary environment. The training was also used as the basis for the development of a Native Training curriculum package for future cross-cultural training at Georgian College. As well, it was anticipated that other educational institutions and organizations would be interested in utilizing the training package in their communities once it had been finalized.

The curriculum was designed to examine the foundational values that both cultural groups bring to the Circle; trace Indigenous Anishnabe values and original Euro-Western values from their roots to their present manifestation in contemporary life; present the Native people's own story of that relationship from the time of contact through to the present situation; relate across value differences; introduce the clan system (the traditional organizational framework); examine ethnostress (distress patterns in the Native world); explore the history of education for Native people; address Native control of Native education; vision Native education; and build a model for Native education. These were the main topics of discussion; however, a number of other teachings were offered as offshoots to these main ideas.

To organize the first event, a planning team was formed in November 1994. The team was comprised of a project manager, a facilitator/resource person and a logistical administrator. The latter two also developed and compiled the curriculum package.

Correspondence was forwarded to the President of the College requesting that internal correspondence be generated to inform employees of the Native Way Training. Memos were then distributed by the President to all department heads in the College requesting as broad a range of participants as possible from all campuses of Georgian

College. An article was also placed in the College's monthly newsletter providing an overview of the training and requesting participants. The goal was to have 30 College employees participate in the initial sessions of Native Way Training.

Georgian supported this initiative by providing replacement support to those employees wishing to participate, providing the facilities to conduct the training, offering a discount for accommodations; and contributing financially to the training costs. They also offered the training to senior administrators thus encouraging "decision-makers" to learn first hand.

The AETC was very pleased with the positive response from those wishing to sign up for the first series of workshops; 32 College representatives including Faculty, Support service officers, Directors, Administrators, Vice Presidents and Board of Governors members registered. In addition to the 32 College employees, 29 Native community members in positions ranging from Education Counsellors to Community Service Providers also participated. Elders along with "ordinary" community members played a significant part in the workshop as well.

Correspondence on dates, locations, etc. was mailed directly to each participant. Future dates were decided upon by the group at the end of each two-day session. Memos were forwarded to participants two weeks prior to each session with a request to confirm attendance. To ensure people attended, the coordinator followed up on correspondence by personally contacting each participant the week prior to each session.

Each morning, the project manager gave an overview of the activities for the day. The facilitator explained how the day would proceed and gave detailed instructions of the group's tasks. The administrator made all necessary arrangements with the Kempenfelt staff (breakout rooms, accommodations, meal times, etc). The administrator also organized the participants for small group exercises according to the tasks at hand.

An important aspect of the training was to present material at a pace that was conducive to the level of readiness on the part of the group (in terms of group dynamics, knowledge base etc.). Initially, agendas were provided to participants. However, agenda items were not always followed and toward the end of the sessions it was realized that this is not a time- or agenda-driven process but rather a process where the needs of the group were gauged by the facilitator and support staff and acted upon accordingly.

The facilitator provided much of the training material by way of oral presentations with Aboriginal participants acting as cultural resources. Community members were able to provide the group with personal accounts of their own experiences within the education system as well as in society as a whole. As well, they were able to provide College personnel with information on the educational needs of their communities. Through this sharing, College personnel were able to grasp the realities facing Aboriginal people both intellectually and emotionally. The facilitator also distributed selected articles to the participants to expand their knowledge of native teachings and issues of discrimination around Native people. (These readings are listed in the Native Way Bibliography.)

2. The Four-Day Format

A four-day condensed format of the Native Way Training was designed as an alternative delivery model for this Post-Secondary Anti-Harassment and Discrimination Project. Participants in this session included 27 Aboriginal community members, 16 representatives from Georgian College, 8 representatives from Guelph University, Centennial College, and Ryerson Polytechnical Institute and 3 representatives from community organizations for persons with disabilities.

The objective of the four-day training was for all participants to gain an understanding and appreciation of the issues facing Aboriginal people and other minority group members (women, racial minorities, persons with disabilites and lesbians/gay men/bisexuals). Daily presentations focused on the Native way of seeing and doing. Topics covered included the Native Worldview, the Four Colours of the Human Being (Figure 1)[12], Values and Value Differences, Value Identification, and the Native perspective on the History of Relationship. Through sharing, learning, trusting and respecting one another, participants were able to bring their own experiences into the process and contribute to a greater understanding of issues facing not only Aboriginal people but other groups who face discrimination and harassment in Canadian society. The end result of the session was the creation of a model for personal and institutional relationship based on the principles of harmony and respect (Figure 2)[13].

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[12] The "Four Colours of the Human Being" (Figure 1), originally the "Four Colours of Man", is adapted with permission by James Dumont. According to the Ojibway Anishnabe Origin Teaching, the original human being was created as the "Four Colours of Man". Each colour was given his own place on earth, his own way of relating to his Creator, his own way of perceiving his life and the creation, and his own direction and orientation in life. This Anishnabe version finds its parallels in other Native North American origin accounts: we use the Ojibway version here as a generalized base for the on-going presentation.

For example, where the "Red Colour of Man" is governed in all things by the primary motivators of vision and respect, the "White Man's" primary motivators are movement and behaviour. Because of this, the "White Brother" will interpret and rank major values differently from the Aboriginal person. This will, in turn, make a difference in how each one will function in the community and how each will generate institutions, structures or codes to foster and maintain harmony and well-being.

[13] Figure 2 demonstrates the Model for Personal and Institutional Relationships (based on the principles of harmony and respect). The fundamental values of the Anishnabe people are expressed in terms of four directions. Native culture-based perception, which is spiritual in nature and respected in relationship, distinguishes these values as uniquely and aboriginally Native. Total vision is the primary generator of the Ojibway value system. From the total vision that was given to Aboriginal people and from the spiritual knowing that is at the core of Aboriginal life-ways and understanding, there is engendered in all Aboriginal behaviour a profound respect for all of life and a quality of relationship that is spiritual, reciprocal and interpersonal. The vision of wholeness that generates a sense of the interconnectedness and interrelatedness of all-that-is is a spiritual centre that imbues all life with a quality that is not only deserving of respect, but itself motivates a respectful relationship.

THE FOUR COLOURS OF THE HUMAN BEING

Adapted with permission of James Dumont

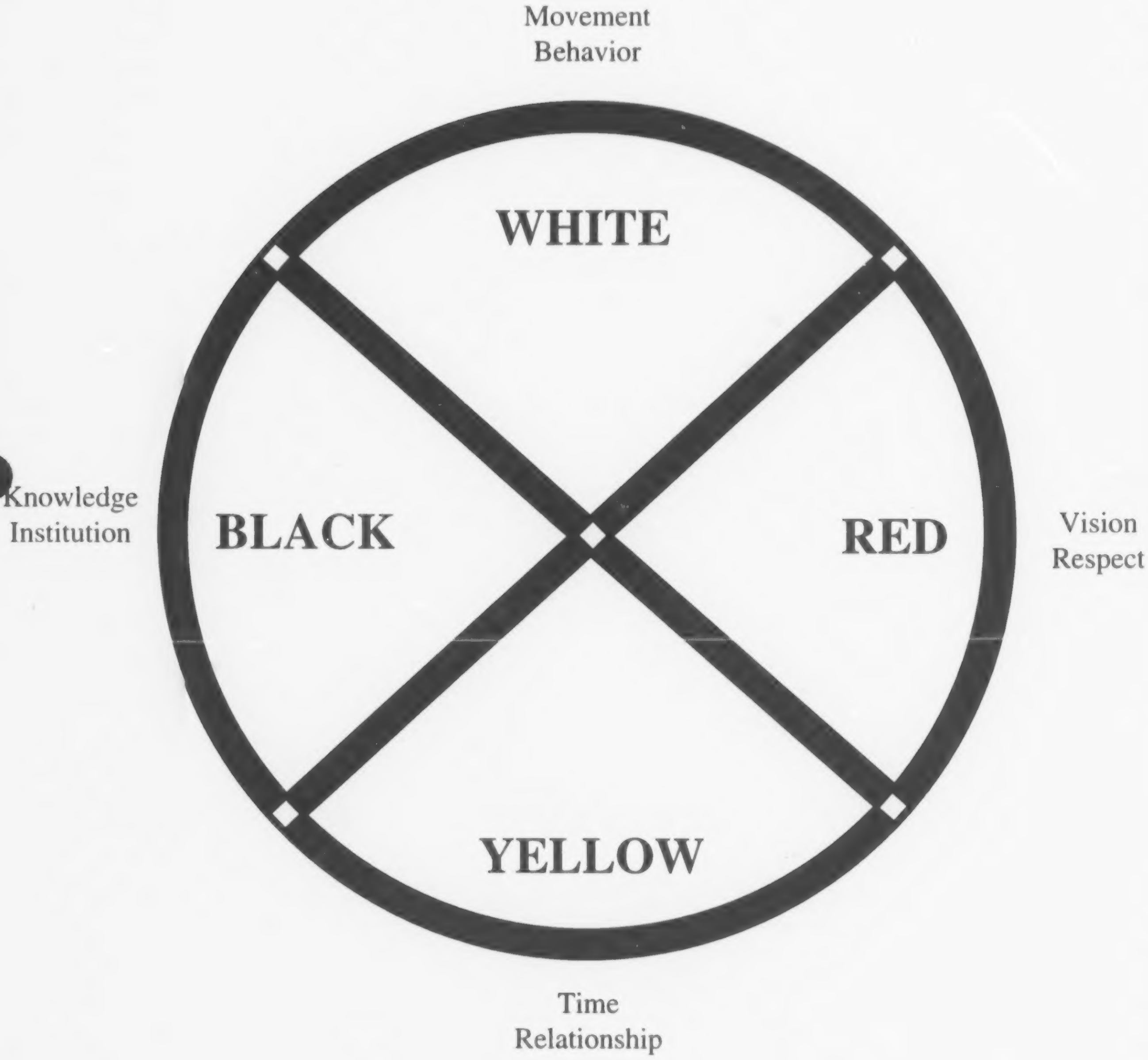
Movement
Behavior
WHITE
Knowledge
Institution
BLACK
RED
Vision
Respect
YELLOW
Time
Relationship

Figure 1

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Model For Personal And Institutional Relationships

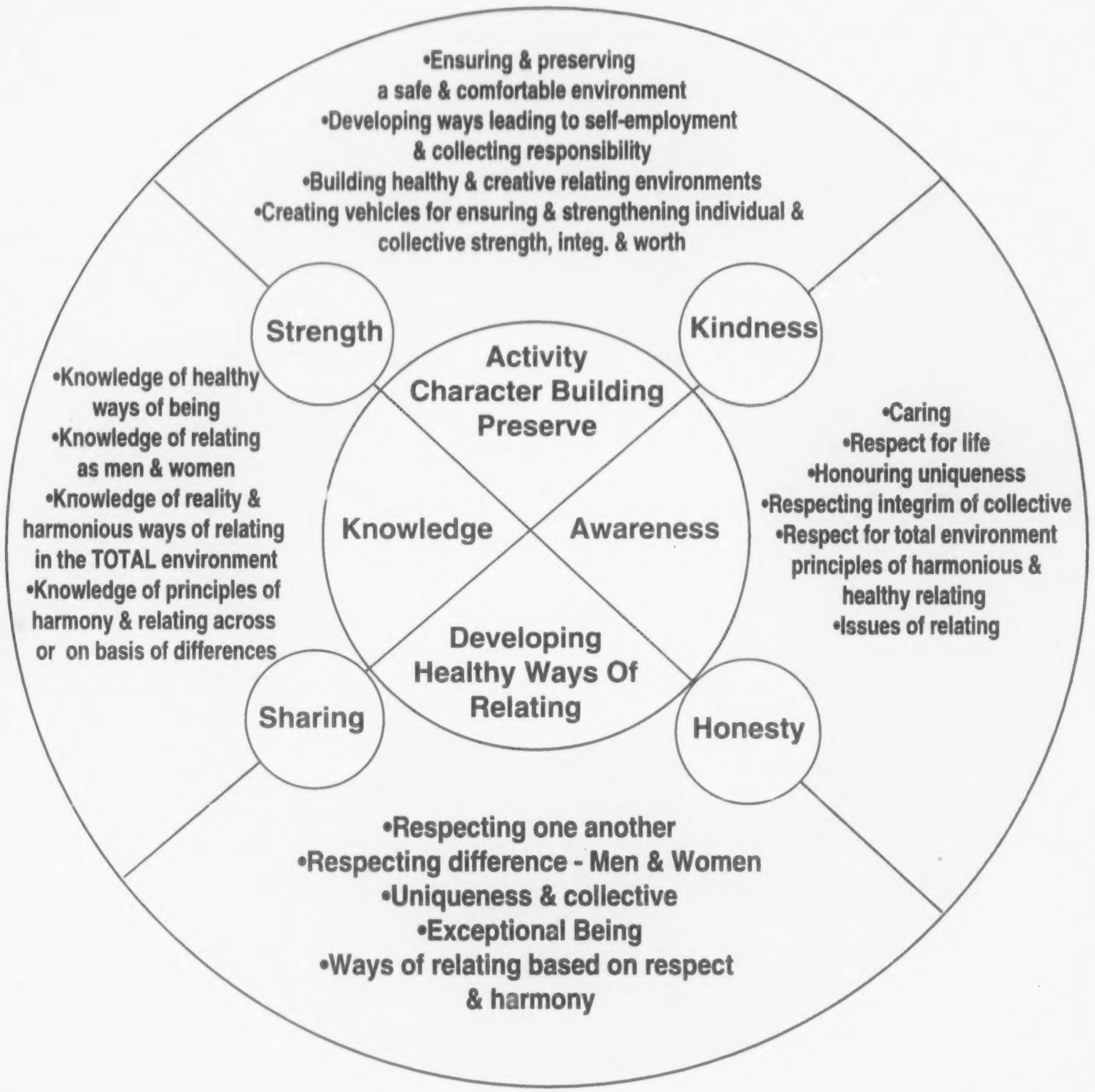
•Ensuring & preserving
a safe & comfortable environment
•Developing ways leading to self-employment
& collecting responsibility
•Building healthy & creative relating environments
•Creating vehicles for ensuring & strengthening individual &
collective strength, integ. & worth
Strength
Kindness
Activity
Character Building
Preserve
•Knowledge of healthy
ways of being
•Knowledge of relating
as men & women
•Knowledge of reality &
harmonious ways of relating
in the TOTAL environment
•Knowledge of principles of
harmony & relating across
or on basis of differences
Knowledge
Awareness
•Caring
•Respect for life
•Honouring uniqueness
•Respecting integrim of collective
•Respect for total environment
principles of harmonious &
healthy relating
•Issues of relating
Developing
Healthy Ways Of
Relating
Sharing
Honesty
•Respecting one another
•Respecting difference - Men & Women
•Uniqueness & collective
•Exceptional Being
•Ways of relating based on respect
& harmony

Figure 2

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CONSIDERATIONS

Although the training was considered by many employers to be professional development and employees who attended continued to receive their salaries for the duration, a number of participants, particularly from the Aboriginal community, volunteered their time and received no income while they attended the sessions. Recognizing that costs are incurred by volunteers, accommodations and mileage should be provided to those participants who travel from out of town.

Crucial to the development of strong group dynamics is the need for the participants to spend a significant amount of time together. One drawback with the longer format used in the first session was some participants inability to commit to the session in its entirety. For that reason, the four-day format was developed. If a shorter version is used, it is important that the discussions are focused and that training days are held consecutively.

OUTCOME AND EVALUATION

The feedback from participants of the first training session was overwhelming. Participants from the College felt that the training just touched on what there was to know about the Native culture. Even those employees who had either lived near or worked with Native communities in the past came to realize that they knew very little. Some participants had been sceptical of the College's commitment to Aboriginal initiatives since previous programs and services geared to the Native communities had been inconsistent and short-lived. After the training they said they had gained a great sense of hope that the College would adopt some of the philosophies of the Native culture. They were most impressed by the concept of holistic teaching and learning and readily admitted that it was their tendency to categorize and departmentalize within the College environment.

The group formed such a strong bond that many of the College people wanted the Circle to continue. They were fearful that they would not be able to maintain the strength and motivation to make change at the College without the on-going support of the group. The AETC received a number of letters of appreciation from College participants and immediately after the first session we received calls from other College employees requesting to participate in the next Native Way Training. The administrative body has received such positive feedback on the Native Way Training process that the College has committed to delivering the training twice a year.

Evaluations of Native Way Training, using the survey instrument reproduced below, indicated that participants' found this cultural immersion experience very meaningful. One respondent wrote: "the most inner part of one's being was affected by this training". Eighty per cent of the respondents described the training in such positive terms as "educational and informative", "wonderful experience" "excellent, peaceful learning experience" and "warm, caring and enlightening".

Many respondents indicated that this cultural immersion experience prompted them to more carefully analyze harassment and discrimination of Native people and others who face oppression and disadvantage. They wrote about their plans to learn more about Native people and the discrimination and harassment they are facing, to inform others of what they had learned, to actively advocate and deal with issues of harassment and discrimination, to continue their anti-racist training, to approach Native students differently than in the past, and to be more sensitive to diverse groups.

NATIVE WAY TRAINING EVALUATION

Please take a few minutes to answer these questions so that we can evaluate the success of the Native Way Training as part of the larger Post-Secondary Anti-Harassment and Anti-Discrimination Project. All information on this questionnaire is confidential.

1. How would you evaluate this training?

2. What did you like best about the training?

3. What did you like least about the training?

4. I came to the training thinking...

5. I was most involved in the session when...

6. When planning another event like this you should...

7. As a result of the training, I intend to.....

8. Do you think this method of training could be applied to other diverse groups (for example, lesbians/gays, differently-abled and others)?

9. Do you have other comments?

BIBLIOGRAPHY FOR THE CULTURAL IMMERSION (NATIVE WAY TRAINING) MODEL: (* indicates articles distributed at the training)

Traditional Knowledge:

Benton-Banai, Edward. "The Clan System", The Mishomis Book, St. Paul Minnesota: Indian Country Press, 1979, pp 74-78.

*Dumont, James. "Creation Story", "Circle", "Four Directions", "Life Road", Kinoomaadiwinan: Teachings, Mississaugas of New Credit Curriculum Project, 1993, pp 1-23.

Value and Value Differences:

*Dumont, James. "Principal Traditional Values of the Aboriginal People", Justice and Aboriginal People, Ottawa: Royal Commission on Aboriginal Peoples, 1993, pp 42-85.

History and its Consequences:

Beck, Peggy and Anne Lee Walters. "The Changeable Earth. The Colonizers and Genocide", The Sacred, Navajo Community College Press, 1990, pp 141-163.

Benton-Banai, Edward. "Stepping into Modern History", The Mishomis Book, Indian Country Press, 1979, pp 103-113.

Stannard, David E. "On Pre-Columbian Settlement and Population", American Holocaust, New York: Oxford University Press, 1992, pp 261-268.

Ethno-Stress:

*Antone, Robert, Diane Miller & Brian Myers. "Ethnostress", The Power within People, Tribal Sovereignty Associates, 1986, pp 7-39.

Native Education:

McCaskiil, Don. "Revitalization of Indian Culture: Indian Culture Survival Schools", Indian Education in Canada: The Challenge, Vancouver: University of British Columbia Press, 1987, pp 153-179.

Wilson, J. Donald. "No Blanket Worn in School: The Education of Indians in Nineteenth-Century Ontario", Indian Education in Canada: The Legacy, Barman, Hebert, and McCaskill (eds.), University of B. C. Press, 1986, pp 64-87.

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2.6 LES MODÈLES FRANCOPHONES

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Ian Martin Ph.D.

INTRODUCTION

Au cours de ces séances de formation il ne faut pas perdre de vue que l'élément important est de sensibiliser les cadres des institutions postsecondaires à prendre leurs responsabilités en matière de harcèlement et de discrimination. Tout en jouant des rôles, elles et ils participent eux aussi à la co-construction d'un espace civique commun. Dans ces quelques pages, la composante francophone propose un outil de formation pour les cadres des institutions francophones postsecondaires. Les deux modèles présentés - la dramatisation analytique et - l'animation culturelle ainsi que les études de cas vont leur permettre d'effectuer une réflexion empirique sur les composantes des situations de harcèlement et de discrimination. Ces composantes sont les caractéristiques des comportements harcelants et discriminatoires courants au sein de toutes institutions.

MODÈLES EN VUE D'OFFRIR UNE FORMATION EN MATIÈRE DE HARCÈLEMENT ET DE DISCRIMINATION.

Encadrement théorique

La structure administrative d'une institution d'enseignement doit être en mesure de former et d'éduquer son personnel en matière de harcèlement et de discrimination. Il est nécessaire et important de mettre en place un système de formation cohérent. Ce sytème doit favoriser le questionnement, le changement des attitudes, l'acquisition des compétences, la modification des comportements et la responsabilisation du personnel cadre. Le but des modèles proposés est de situer l'intervention et la prévention dans un rapport vivant et dynamique entre la réglementation du Code ontarien des droits de la personne et les politiques de l'institution. Ces modèles auront comme résultats de renforcer et d'enrichir la culture institutionnelle dans ce domaine.

Modèle 1: Dramatisation analytique.

La dramatisation analytique est un modèle qui permet d'illustrer la problématique d'un conflit et de rendre évidentes les attitudes, les valeurs et les croyances qui sous-tendent la situation. Cette approche présente l'avantage de poser la distance entre le sujet (la participante ou le participant) et l'objet (un conflit actuel, un exemple précis dont toutes les particularités ont été retirées afin de l'utiliser pour les fins de la dramatisation)

En utilisant une portion de l'expérience institutionnelle, empreinte des rôles, des valeurs, des oppositions, des résolutions qui reflètent l'histoire du vécu de ses membres, on présuppose que les institutions sont des lieux qui peuvent être saisis par le biais d'une optique dramatique. Cette notion provient entre autres du sociologue américain E. Goffman. Selon lui, l'idée des rôles est très importante pour comprendre le fonctionnement des institutions et la présentation du soi dans la vie quotidienne. Goffamn s'intéressait aux questions telles que la structuration de l'institution à travers les individus. Goffamn a proposé que les institutions sont structurées par des hommes et des femmes qui assument des rôles, d'une part, définis par l'institution même et d'autre part, investis des valeurs propres aux personnalités individuelles. Chaque membre porterait en soi les tensions entre la structure de l'institution et l'identité personnelle.

À ce titre, les conflits qui présentent des éléments de harcèlement et de discrimination suscitent des réactions qui varient selon l'idée que l'individu se fait du rôle que l'institution a autorisé. De ce fait, les membres du personnel cadre peuvent attribuer aux contraintes de leur rôle institutionnel leur manque d'engagement personnel. Par contre, selon Goffamn, l'individu exerce une mesure de contrôle en ce qui concerne l'apport de ses valeurs personnelles au rôle que l'institution lui a confié. La création de situations d'apprentissages, par le biais de la dramatisation analytique permet aux cadres de jouer des rôles qui ne leur appartiennent pas. L'expérience participative, c'est-à-dire de sortir des rôles autorisés afin de vivre et de voir comme sujets, est alliée à une approche analytique .

Selon ce modèle, après avoir dramatisé une situation où chacune et chacun aura joué un rôle déterminé, les participantes et les participants se retrouveront autour d'une table pour en faire l'analyse selon des points de repère précis C'est durant cette analyse que les changements au niveau des attitudes, des connaissances et des comportements se produiront.

Modèle 2: L'identification empathique par l'animation culturelle .

L'animation culturelle dont il s'agit ici "c'est la voie de l'intégration pluraliste". Cette conception suppose l'adhésion de tous les citoyens à un certain nombre de valeurs communes qui servent de base à la cohésion sociale et qui permettent aux individus et aux groupes de maintenir s'ils le désirent, et de préserver dans la sphère privée toutes les valeurs ethniques particulières qui ne sont pas incompatibles avec les normes communes. On distingue "trois conceptions des rapports interethniques dans une société pluraliste: la conception des espaces culturels multiples, la conception d'un espace culturel commun et la conception de l'espace civique commun. Dans la première conception, un ensemble plus ou moins étendu d'actions sont posées en se référant exclusivement aux normes de la culture ethnique dominante. Dans la seconde, les cultures ethniques et la culture majoritaire n'occupent pas d'espace exclusif mais chacune cherche à investir de ses normes la totalité de l'espace culturel disponible, produisant ainsi une ' polyculture' qui se construit par l'apport des différentes cultures ethniques à la production d'une culture commune". Par contre, il faut créer " l'espace civique commun " [14] afin d'éviter les erreurs du passé et de favoriser le respect de soi, le respect mutuel et le respect des droits et des libertés de chacune et de chacun.

Pour parvenir à une culture d'espace civique commun, il faut passer par deux phases: la connaissance de soi et l'échange avec l'autre (celle ou celui qui est différent de soi).

1. La connaissance de soi

La connaissance de soi passe par l'auto-réflexion afin de découvrir les attitudes, les valeurs et les croyances qui correspondent à son image de soi ainsi qu'à sa communauté d'appartenance ou à sa culture.

Car, dans une société moderne où le mode de vie n'est plus totalement donné par la tradition de la communauté culturelle ou ethnique à laquelle on s'identifie, chaque individu est appelé à choisir ou à se donner des références culturelles. À titre d'exemple, une personne sourde se cherchera un espace vital qui lui permettra de se reconnaître et de se sentir valorisée. Il en est ainsi pour les membres de toute communauté d'appartenance.

2. L'échange avec l'autre

Cette deuxième phase comprend deux composantes: l'éveil et l'engagement.

L'éveil est le moment où l'individu s'ouvre aux autres cultures et à leurs réalités. Cette ouverture facilite et motive l'acquisition de connaissances sur les autres cultures ou les communautés d'appartenance.
L'engagement, c'est la capacité de prendre un certain recul envers ses propres schèmes et d'accepter des nouvelles valeurs basées sur des principes pluralistes. C'est la volonté d'accueillir les changements nécessaires en vue d'établir et de mettre en oeuvre un projet de société commun.

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[14] Collectif de recherches interculturelles, "L'éducation interculturelle: pour éviter les effets pervers. Communication au Séminaire sur l'interculturel, organisé par le Musée de la civilisation de Québec, 14-15 novembre1991, p. 35

LA DRAMATISATION ANALYTIQUE.

Méthodologie.

D'une façon générale, ce modèle de formation utilise comme point de départ la description d'un conflit ou d'un cas.

Objectifs

- favoriser le questionnement, le changement des attitudes, l'acquisition des compétences, la modification des comportements et la responsabilisation du personnel cadre.
- situer l'intervention et la prévention dans une conjoncture précise de harcèlement et de discrimination.
- mettre en oeuvre la politique de l'institution à cet égard et faire respecter le Code sur les droits de la personne de l'Ontario.

Moyens.

- la mise en situation dramatique et le jeu de rôles déterminés.
- la réflexion collective et l'identification des attitudes, des valeurs et des croyances qui soutendent la situation.
- la présentation de recours et de procédures existantes et une discussion sur leur pertinence en ce qui concerne le cas présenté.

Résultats escomptés.

- la transformation positive du milieu d'études et de travail.
- des manifestations concrètes pour que les participantes et les participants mettent en oeuvre leurs nouvelles compétences.
- raffinement des politiques de l'institution

Procédures

La dramatisation.

L'animatrice ou l'animateur présente un conflit réel dont toutes les particularités qui dévoileraient son origine ont été rétirées. Par contre, la raison qui motive le harcèlement ou la discrimination demeure: soit l'appartenance à une communauté culturelle, soit la perception d'une incapacité, soit la différence entre l'individu qui pose le geste et la personne qui l'a subi.

Le groupe est divisé en 2 ou 3 équipes, selon le nombre de rôles à jouer. L'animateur ou l'animatrice attribue les rôles en exerçant discernement et sensibilité. (Il faut s'assurer de ne mettre personne dans une situation où elle doit vivre à nouveau le harcèlement ou la discrimination).

Les membres du groupe se retirent et effectuent un court remue-méninges pour étoffer le rôle assigné. Différentes personnes du groupe sont choisies pour incarner les rôles .

La mise en situation se déroule pendant 15-20 minutes.

L'animatrice ou l'animateur peut mettre fin à la dramatisation afin de passer à la prochaine étape.

L'analyse

Les participantes et les participants sont regroupés autour d'une table. L'animatrice ou l'animateur s'assure que chacune et chacun prenne la parole.

Le premier dépouillement (10-15 minutes) s'opère au niveau des émotions primaires (développement de l'empathie).

Au deuxième tour, on se penche sur les raisons qui motivent les gens à harceler ou à discriminer . (identification des attitudes, des valeurs, des croyances).

L'animatrice ou l'animateur s'assure que la discussion évolue vers un examen approfondi de la provenance des idées reçues et des préjugés.

Les participantes et les participants sont amenés à réfléchir et à comprendre les racines des inégalités, le contexte social et culturel qui maintiennent les rapports de force.
L'animatrice ou l'animateur présente des textes de politique de l'Ontario ou les règlements de l'institution.

Les participantes et les participants évaluent la sévérité de la situation, établissent des parallèles avec des cas qui se produisent dans leur collège ou leur université et proposent des résolutions au conflit qui tiennent compte des enjeux institutionnels.

Points de repère Et questions à poser.

- Selon vous, que craignait la personne qui a subi cette injustice? Quelles sont les émotions ressenties?
- Quels sont les gestes et les paroles qui révèlent ces sentiments?
- Pourquoi quelqu'une ou quelqu'un manifesterait cette conduite? Quelles sont les attitudes, les valeurs, les croyances qui soutiennent ces comportements?
- Avez-vous été témoin de situations semblables? Voyez-vous des parallèles avec ce qui se passe dans votre milieu de travail? Quelles sont les conséquences de laisser ce conflit continuer ? (pour toutes les personnes impliquées de proche et de loin).

- D'où vient la résistance affective aux suggestions de changer ou d'éliminer quelque chose qui serait discriminatoire?
- Est-ce que les politiques et les règlements actuels sont adéquats pour remédier aux situations de harcèlement et de discrimination?
- Quels sont les moyens à acquérir pour parvenir à un climat institutionnel sain?
- Comment s'assurer que les membres des communautés culturelles puissent accéder aux réseaux où sont prises les décisions importantes?
- Comment vérifier que la description du poste corresponde aux tâches réelles?
- Par quels moyens créer un climat d'ouverture et d'adaptation aux différences culturelles?
- Comment reconnaître la validité d'autres façons de fonctionner ou de travailler?
- Dans quelle mesure les services s'ajustent-ils aux ou s'accomodent-ils des exigences religieuses des membres de l'institution?
- Qui s'occupe de voir à ce que celles et ceux qui mettent en oeuvre les règlements, les services, les recours, les programmes, tiennent compte de la légitimité de la conjointe ou du conjoint de fait du même sexe que la requérante ou le requérant?
- Quelles sont les capacités d'adaptation de l'institution pour bien accueillir des étudiantes et des étudiants, des employées et des employés qui ont un handicap?
- Est-ce que votre institution prend des moyens concrets pour respecter et accueillir les différences culturelles de tous ses membres? (dresser la liste)
- Est-ce votre collège ou votre université peut réagir rapidement à des cas urgents et à des dossiers actuels?
- Est-ce que les résolutions aux conflits et aux cas de harcèlement et de discrimination sont divulguées dans le but de promouvoir le respect des droits?
- Quelle vision d'ensemble et quels moyens prend votre institution pour aller au-devant des plaintes?

Pistes, mots et langage

Certaines expressions et certaines formulations portent une charge négative, insultante, dégradante, méprisante ou exclusive...Voici quelques exemples à mettre en cause. Complétez cette liste en vue de sensibiliser vos participantes et vos participants à l'ensemble des motifs proscrits par le Code des droits de la personne de l'Ontario. Discutez de l'effet de leur utilisation:

- la bête noire, noircir la réputation, broyer du noir, ...
- il faut souffrir pour être belle (lien avec l'anorexie, les prothèses mammaires, la mutilation génitale)
- un dialogue de sourd, ...
- une féministe enragée, ...
- c'est un juif, c'est un arabe (substitut pour illustrer un défaut)
- terrorisme musulman, fanatisme religieux, ...

IDENTIFICATION PAR L'ANIMATION CULTURELLE

Méthodologie

Objectifs

- co-construire un réel possible
- viser le développement des habiletés de coopération
- former et être formé aux normes civiques communes
- apprendre à se connaître et à échanger.

Moyens

- l'animation culturelle et les jeux de rôles
- l'identification de particularismes culturels et de points communs
- la mise en commun des stratégies qui allient les normes des cultures et des communautés d'appartenance aux normes de la culture institutionnelle

Résultats escomptés

- la co-construction d'un espace civique commun
- l'identification des éléments conflictuels de la communauté d'appartenance
- la conciliation et la valorisation des différences

Procédures

La première étape

- La recherche: dresser la liste de tous les groupes d'appartenance faisant partie de l'institution (femmes, minorités raciales, ethniques, religieuses et sociales).
- Recueillir les textes (contes, chansons, devinettes, proverbes, comédies, théâtre) et compiler la documentation.
- Compiler les incidents discriminatoires ou de provocation non signalés au sein de l'institution.

La deuxième étape

- Sélection des textes à dramatiser
- Scénarios et pistes possibles: propos insultants, exclusion, réactions négatives, gestes provocants, etc...
- Distribution des rôles par groupe ethnique

La troisième étape

La dramatisation.

- Les jeux de rôles doivent être joués par les individus appartenant à ces groupes ethniques ou culturels afin d'éviter les effets pervers ou la mauvaise interprétation de la dramatisation.
- Présentation des personnages par groupe ethnique. Dépendamment de la durée de la formation, chaque groupe peut avoir 5 à 10 minutes.
- Par des monologues, des chansons, des proverbes, des contes , le groupe présente les particularités ethniques en matière de harcèlement et de discrimination.

Remue-méninges et discussion autour de la table ronde

Les participantes et les participants doivent avoir noté les particularités de chaque groupe ethnique en matière de harcèlement et de discrimination. Après la présentation, ils se retrouveront autour d'une table ronde afin de partager et échanger leurs expériences. Cet exercice qui consiste à identifier ses propres limites tout en découvrant celles des autres, permet de trouver les ressemblances dans la différence. Les particularismes serviront non plus comme limites mais seront utilisés comme stratégies de prévention et d'intervention afin de construire un espace civique commun.

Éléments de la discussion

Reconnaître

- Identification: trouver les différentes idéologies qui entraînent le harcèlement et la discrimination chez soi et chez l'autre.
- Découverte: Trouver des croyances particulières concernant la discrimination. Sont-elles vraies?
- Contamination: Trouver les mécanismes utilisés pour véhiculer des messages, des comportements, des attitudes discriminatoires.

Comprendre

- Décoder: les raisons profondes de ces attitudes.
- Réfléchir sur les distinctions: qu'appelle-t-on "harcèlement ou discrimination" dans son propre milieu culturel, social, familial et individuel.
- Se situer soi-même par rapport aux personnes victimes de discrimination dans son propre milieu en se posant les questions suivantes: As-tu déjà été témoin d'un geste discriminatoire? Qui était la victime? Quel geste a été posé? Comment se fait la discrimination dans ton propre milieu? Qui est souvent victime? Quels gestes, expressions, conduites sont utilisés? Pourquoi le fait-on? As-tu déjà harcelé ou discriminé contre quelqu'un? Qui était la victime? Quel geste as-tu posé? Quelles ont été les conséquences?

Observations générales

Il faut commenter le processus de communication utilisé dans chaque groupe ethnique pour faire passer des messages discriminatoires à l'autre. Il faut répertorier les expressions verbales et non verbales. Les participantes et les participants doivent discuter sur le "comment s'opère la contamination de la discrimination et du harcèlement" dans leur environnement direct.

Il faut également distinguer entre les comportements négatifs et les mythes. Ici intervient le principe d'autorité et de relation de solidarité entre le locuteur et l'interlocuteur. Dans la justification de la discrimination, celui qui le concrétise, ne le fait pas par simple amour de bavardage, ou par souci de divertissement, ou par taquinerie. Il impose à son interlocuteur la leçon qui le met à sa place.

Créer un espace civique commun

Après avoir échangé sur les expériences particulières, les participantes et les participants doivent chercher des voies et des moyens pour construire un espace civique commun au niveau de l'institution.

Reconnaître les préjugés et les stéréotypes au sein de l'institution :

- exclusion: embauche, affichage, activités communautaires,
- inclusion défavorable: plaisanteries, descriptions, références caractérielles,
- curriculum scolaire: contenu de cours, annonces, graffiti, affichage, trousses d'apprentissage, travaux scolaires, adjectifs utilisés par les professeurs à l'égard de leurs élèves (paresseux, avare, sauvage, primitif, superstitieux, macho,etc.)

- le vocabulaire: Le langage est un élément culturel important qui joue un rôle évident dans la transmission des préjugés et des mythes discriminatoires. Les participants doivent répertorier des expressions racistes courantes et d'autres qui portent atteinte aux membres de communautés d'appartenance, par exemple:

    La bête noire du groupe se dit de la personne pour qui on a le plus d'aversion, qui fait plus de gaffes.
    Réfléchir comme un enfant, c'est manquer de maturité.
    Je cherche une blonde aux yeux bleus.
    Les femmes exotiques.
    Les traditions arriérées.
    Voir tout en blanc veut dire sous un aspect favorable.
    Mariage en blanc pour dire qui n'a pas été consommé.

Comprendre

Les participantes et les participants doivent trouver les origines des idéologies cachées derrière ces expressions, noter celles qui figurent souvent dans les médias, autour de soi, dans la rue et ainsi de suite.

Analyser

Les participantes et les participants doivent passer maintenant à une étape importante de leur formation: la mise en oeuvre.

- Comment peut-on créer un espace civique commun au sein d'une institution ayant une multitude de groupes ethniques?
- Comment mettre en pratique tous les programmes suggérés par le gouvernement?
- Comment découvrir ses propres limites, faire une réflexion quotidienne sur son propre comportement en vue d'effectuer des changements et se situer soi-même par rapport aux situations de discrimination et de harcèlement?
- Comment apprendre à connaître l'autre par l'échange des expériences particulières et collectives?
- Comment respecter les droits et les responsabilités de chaque groupe établis dans la Charte des Droits de la personne et dans les politiques élaborées par l'institution? Les participantes et les participants nomment les moyens adéquats et quotidiens qui peuvent mener à la réalisation d'un espace civique commun.

ANNEXE 1

MODÈLE NO 1: LA DRAMATISATION ANALYTIQUE

EXERCICES

Fiche no 1

Cas à présenter

Deux étudiants canadiens du même pays d'origine et membres d'une même ethnie suivent un cours ensemble et font équipe dans un groupe de travail. L'un des deux étudiants allègue que l'autre le harcèle à cause de sa religion (il l'insulte et lui lance des noms).
Leur groupe de travail doit remettre le projet avec le nom de tous les membres. L'étudiant victime du harcèlement ne veut pas inclure le nom de l'étudiant responsable du harcèlement car celui-ci n'a pas contribué au travail. Il rencontre le professeur du cours pour lui expliquer la situation. Le professeur lui répond que les membres du groupe doivent régler leurs différences, que ça fait partie du travail collectif et que personne ne doit être écartée. Afin d'obtenir une note, les autres membres du groupe veulent soumettre le projet en incluant tous les noms.

Répartition des rôles

- deux étudiants (choisir un conflit ethnique qui corresponde au cas décrit)
- le professeur
- un membre de la haute direction
- un membre du comité en matière de harcèlement et de discrimination
- un membre de l'exécutif de l'association étudiante

Diviser les participantes et les participants en cinq équipes de 3 ou 4 chacun. Remettre aux équipes la description du cas. Les membres du groupe se retirent et effectuent un court remue-méninges pour étoffer le rôle assigné. Une personne du groupe est choisie pour incarner le rôle .

Le rôle des deux étudiants et du professeur est de recréer la situation. L'animatrice ou l'animateur aura remis aux équipes qui choisiront les représentantes ou les représentants de la haute direction, du comité en matière de harcèlement et de discrimination et de l'association étudiante, les documents pertinents en ce qui concerne les politiques de l'institution. Tous ces personnages sont fictifs.

La mise en situation se déroule pendant 15-20 minutes. L'animatrice ou l'animateur peut mettre fin à la dramatisation afin de passer à la prochaine étape .

Remue-méninges

- Désigner un rapporteur. Noter toutes les réponses sur un papier.
- Trouver les éléments discriminatoires dans ce cas. Est-ce de la discrimination ou du harcèlement?
- Décrire le comportement de chaque protagoniste.
- Trouver la base (contexte historique, sociologique) des commentaires de l'étudiant . Son comportement est-il basé sur des idées préconçues de la culture de l'autre étudiant? Cherche-t-il à le ridiculiser? (voir à la page 7 pour d'autres questions pertinentes) .

Solutions

- Est-ce que l'institution offre un recours à l'étudiant lésé?
- Si oui, constituer un comité de plainte avec les autres jouers et reprendre la dramatisation Schéma : Plainte
  Réception (écoute)
  Différentes options à prendre (consultation)
  Justification
  Décisions
- Jeu de rôle: Le plaignant,l'accusé, les membres du comité ponctuel en matière de harcèlement et de discrimination.
- Étapes à suivre:
  Formuler une plainte à partir de ce cas,
  Établir les responsabilités du Comité,
  Formuler les méthodes de présentation des plaintes,
  Faire savoir les droits du plaignant et de l'accusé,
  Établir si les actions ayant fait l'objet d'une plainte constituent du harcèlement, dans ce cas culturel ou de la discrimination raciale, et s'il en est ainsi: Recommander des mesures préventives et disciplinaires, s'il y a lieu

Évaluation

- Comment arriver à un consensus?
- Autour d'une table ronde, tous les participants et les participantes établissent des stratégies et des moyens adaptés à ce cas. On doit discuter et évaluer les politiques de l'institution afin de savoir si chaque membre de la communauté universitaire ou collégiale est informé sur les diverses lois et réglementation en matière de harcèlement et de discrimination.
- Dans toute discussion, il faut savoir:
  prendre ses distances,
  trouver des alternatives,
  remplacer les stéréotypes véhiculés,
  créer un plan d'action en impliquant tout le monde .

Fiche no 2

Cas à présenter

Sophie a une formation universitaire en sociologie, elle vient d'arriver à Toronto. Un jour, elle voit un poste de professeur affiché dans une institution postsecondaire. Sophie est originaire d'un pays faisant partie de la francophonie, mais sa langue maternelle n'est pas le français.

Le poste affiché: Professeur adjoint(e) en sociologie
Cours à donner : Introduction à la sociologie
Genre et sexe dans différentes cultures
Les ethnoculturels francophones hors Québec

Exigences: PH.D en sociologie ou disciplines connexes.
Publications dans différentes revues reconnues.
Une expérience pertinente en enseignement, de préférence trois(3) années à un niveau supérieur; et posséder une maîtrise du français et de l'anglais parlés et écrits.
Compétences additionnelles:
connaissance de la francophonie en Ontario est un atout;
capacité de travailler en équipe;
capacité de faire de la recherche qualitative et quantitative;

Lors de l'entrevue, les membres du comité de séléction lui posent des questions qui ne correspondent pas à la description du poste. La candidature de Sophie n'est pas retenue.

Partition de rôles

La jeune fille qui a appliqué
Le comité de séléction (se référer aux pages 6 et 14 pour la démarche à suivre) .

Remues-méninges

Les participantes et les participants parlent de ce qu'ils ont vécu comme expérience personnelle dans la recherche d'emploi. On doit trouver les éléments discriminatoires dans cette annonce.

Reconnaître

- Quels sont les éléments visibles de la ségrégation professionnelle et de la discrimination systémique dans cette offre d'emploi?
- Quels sont les éléments de la discrimination systémique cachée? La description de tâches affichée correspond-t-elle à celle présentée lors de l'entrevue? A-t-on ajouté des éléments nouveaux pour lesquels la candidate n'était pas préparée?

- Les participantes et les participants se penchent sur la question de comment élaborer une nouvelle façon d'inclure toutes les compétences et les expériences acquises dans un contexte informel et institutionnel et qui ne se conforment pas au profil nord-américain.

Comprendre

- les raisons réelles du rejet de la candidature de Sophie alors qu'apparemment elle est qualifiée;
- les stéréotypes perpétués dans cette annonce;

Évaluer et analyser

- le système d'emploi au niveau de l'institution afin d'identifier les procédures officielles ou officieuses suivies pour recruter, embaucher, gérer et perfectionner les ressources humaines.
- la sous-utilisation des membres des groupes cibles dans un secteur ou dans une catégorie d'emplois, inférieure à leur taux de disponibilité.
- la discrimination directe (le fait de traiter des personnes différemment pour des raisons de sexe, race, handicap, âge, religion, orientation sexuelle, classe, etc. C'est appliquer un traitement inégal ou différent, par exemple que de ne poser qu'aux femmes des questions sur leur situation familiale et les dispositions relatives à la garde des enfants ou de demander qu'aux personnes handicapées de passer des examens médicaux en rapport avec l'emploi).
- la discrimination indirecte (obstacles dissimulés ou apparents, délibérés ou accidentels, intégrés aux politiques, procédures et pratiques... exigences professionnelles excessives, portant par exemple sur des diplômes ou des certificats universitaires qui ne sont pas nécessaires pour exécuter les fonctions du poste, elles servent souvent à éliminer les femmes et les membres des groupes défavorisés).

Solutions

Quels sont les mécanismes de redressement ou la politique de réajustement?

Fich no 3

Cas à présenter

Manon a rencontré Louis dans un cours de psychologie de première année. Ils ont souvent jasé ensemble et sont parfois allés prendre un café après le cours. Après un certain temps, Louis s'est mis à demander à Manon de sortir avec lui, mais elle n'est pas intéressée. Louis ne semble pas vouloir comprendre qu'elle ne changera pas d'idée. L'entêtement de Louis commence à agacer Manon et, à quelques reprises, elle l'a envoyé promener . Mais en voyant la mine blessée de Louis, Manon s'est adoucie et a essayé de le convaincre de fréquenter d'autres femmes. Peine perdue! Il continue de l'appeler et de l'attendre à la sortie du cours. Parfois, Manon sèche son cours pour ne pas avoir à l'affronter. Elle se sent coincée, elle ne sait plus quoi faire pour que Louis lui fiche la paix.

Répartition des rôles

- Manon, Louis, la représentante du comité en matière de harcèlement, le représentant du comité étudiant (se référer aux pages 6 et 14 pour la démarche à suivre)

Remue-méninges

- Désigner un rapporteur. Noter toutes les réponses sur un papier. Trouver les éléments discriminatoires dans ce cas est-ce de la discrimination ou du harcèlement?
- Décrire le comportement de chaque protagoniste.
- Trouver la base (contexte historique, sociologique) du comportement de l'étudiant. Est-il basé sur des idées préconçues vis-à-vis de la femme dans la culture de l' étudiant? (voir à la page 7 pour d'autres questions pertinentes).

Solutions

- Est-ce que l'institution offre un recours à l'étudiante lésée.
- Si oui, constituer un comité de plainte avec les autres jouers et reprendre la dramatisation
- Schéma: Plainte
  Réception (écoute)
  Différentes options à prendre (consultation)
  Justification
  Décisions
- Jeu de rôle: La plaignante, l'accusé, les membres du comité ponctuel en matière de harcèlement sexuel.
- Étapes à suivre:
  Formuler une plainte à partir de ce cas,
  Établir les responsabilités du Comité,
  Formuler les méthodes de présentation des plaintes,
  Faire savoir les droits de la plaignante et de l'accusé,
  Établir si les actions ayant fait l'objet d'une plainte constituent du harcèlement sexuel, et s'il en est ainsi, recommander des mesures préventives et disciplinaires.

Évaluation

- Comment arriver à un consensus?
- Autour d'une table ronde, tous les participants et les participantes établissent des stratégies et des moyens adaptés à ce cas. On doit discuter et évaluer les

politiques de l'institution afin de savoir si chaque membre de la communauté universitaire ou collégiale est informé sur les diverses lois et règlementation en matière de harcèlement sexuel.

- Qu'est-ce-que la personne harcelée doit faire? Tous les membres donnent des suggestions sur la prévention et de l'intervention;
- Faire comprendre clairement à l'autre qu'on ne désire pas établir une relation avec lui.
- Rester ferme et ne pas se laisser dérouter par l'attitude de l'autre;
- Expliquer à l'autre quel genre de comportement sera souhaitable dorénavant " Ne m'appelle pas et ne viens pas me voir à la maison. Ne me parle pas en classe et ne cherche pas à t'asseoir près de moi. N'essaie pas de communiquer avec moi". Lui dire clairement ce qui pourrait arriver s'il persiste dans son comportement; " Si tu n'arrêtes pas, je vais en parler à l'intervenante en matière de harcèlement sexuel"
- Si le problème persiste, faire appel aux recours approppriés.

ANNEXE 2

MODÈLE NO 2: ANIMATION CULTURELLE

FICHE NO 1

Cas à présenter .

Un africain noir et une française blanche sont en résidence dans un collège en Ontario. En classe, les pieds de l'étudiant, qui fait 1.85m, frappent les pattes de la chaise de l'étudiante assise devant lui. Elle lui dit: "Fais attention! tu me déranges" La seconde fois, elle l'invective. Le professeur leur demande de régler leur différend après le cours. Une fois sorti de la classe, l'Africain demande ce qu'il a fait de mal, dit qu'il en a assez de se faire traiter de la sorte et la gifle .

Recherche

- Avant la formation, il faut faire la recherche approppriée afin de savoir quels genres de stéréotypes envers la femme sont véhiculés dans les cultures des étudiants à cette institution.
- Dresser la liste et la présenter aux participantes et aux participants.

Remue-méninges (se référer à la page 11 pour la démarche à suivre)

Répartition de rôles

Diviser les participantes et les participants selon les groupes ethniques qui fréquentent l'institution

Reconnaître

- Identification: trouver les différentes idéologies qui entraînent le harcèlement et la discrimination sexistes envers la femme.
- Découverte: Trouver des croyances particulières concernant la discrimination envers la femme. Sont-elles vraies?
- Contamination: Trouver les mécanismes utilisés pour véhiculer des messages, des comportements, des'attitudes sexistes.
- La propagation de ces stéréotypes envers les femmes des autres groupes.

- Demander aux participantes et aux participants d'identifier des exemples de harcèlement sexuel au sein de l'institution.
- Pointer les comportements. Distinguer entre les comportements négatifs et les comportements positifs dans les relations entre hommes et femmes.

Comprendre

- Décoder: les raisons profondes de ces attitudes.
- Réfléchir sur les distinctions: qu'appelle-t-on "harcèlement sexuel ou discrimination sexiste" dans son propre milieu culturel, social, familial et individuel?
- Se situer soi-même par rapport aux femmes dans son propre milieu en se posant les questions suivantes: As-tu déjà vu quelqu'une subir la discrimination? Quel geste a été posé? Comment se fait la discrimination dans ton propre milieu? Quels gestes, expressions, conduites sont utilisés? Pourquoi le fait-on? Quelles sont les conséquences? .

Solutions

- Dresser une liste des actions positives pour enrayer le harcèlement ou la discrimination envers les femmes.
- Trouver quel comportement est préférable pour entrer en contact avec la personne de l'autre sexe, et pourquoi?
- Quelles sont les mécanismes pour éliminer le harcèlement sexiste? Sont-ils connus?
- Quelles sont les procédures formelles lors d'une plainte?
- Quelle est la meilleure façon d'intervenir dans une situation semblable et pourquoi?

FICHE NO 2

Cas à présenter

Canadiens, fils et filles d'agriculteurs, versus canadiens urbains dans un collège d'agriculture. Les ruraux trouvent que les urbains posent des questions simplistes voire niaiseuses, ça les fatigue et leur fait perdre du temps. Les urbains trouvent les ruraux ignorants, rustres sans culture qui connaissant bien peu de choses de la "vie moderne". Deux mondes voisins qui s'ignorent et qui se craignent.

Remue-méninges

Relever les préjugés ou stéréotypes envers ses propres minorités.
Relever les valeurs et les croyances|mythes implicites d'un groupe humain sur un autre.
Comment peut-on éviter la contamination de la discrimination dans cette situation?

Procéder à toutes les étapes proposées pour l'animation culturelle.

FICHE NO 4

Cas à présenter

Une étudiante ayant des difficultés d'apprentissage demande que son examen soit administré aux services spéciaux car elle a un déficit d'attention. Elle besoin d'être isolée dans un local pour écrire son examen. Même si les membres de l'équipe des services spéciaux ont donné une session de sensibilisation à la faculté, particulièment en ce qui concerne les étudiantes et étudiants ayant des dificultés d'apprentissage, le vice-doyen a refusé. Le spécialiste en difficultés d'apprentissage envoie une lettre au vice-doyen lui expliquant davantage la situation de l'étudiante. Le vice-doyen refuse de nouveau. Le spécialiste tente de recommuniquer avec le vice-doyen mais...sans succès. Le vice-doyen a même ajouté "Les handicapés ne devraient pas être à l'université mais en institution" .

Remue-méninges.

Relever les préjugés et le stéréotypes envers les personnes handicapées propres à chaque groupe ethnique au sein de l'institution.
Procéder à toutes les étapes d'animation culturelle.

Autres cas à utiliser pour la dramatisation analytique et l'animation culturelle

1) Une étudiante blanche, canadienne, diplômée universitaire, dans la trentaine se retrouve au collégial parmi des jeunes de 18-19 ans. Elle est une bonne étudiante, déterminée à réussir en se préparant pour une nouvelle carrière. Une étudiante de 18 ans, canadienne blanche également et avec des ambitions scolaires et des attributs semblables voit son aînée lui porter ombrage. La jeune lui fait, généralement en dehors des cours, des remarques subtiles du genre: "on ne veut rien savoir de ton expérience". L'aînée, après quelques semaines, se demande ce qui se passe. Elle se sent rejetée par la jeune qui a le don de se mettre les autres de son côté. Ça ressemble à un fossé de générations.

2) Un professeur est en train de donner son cours sur l'autonomie gouvernementale et il ajoute en aparté: Tout le monde sait que les autochtones ne sont pas capables de s'administrer eux-mêmes".

3) Un professeur à qui on demande de fournir une adaptation à une étudiante handicapée, fait la réponse suivante: " Dans le cas présent, je suis prêt à fournir l'adaptation, mais à l'avenir j'aimerais être mis au courant à l'avance de l'inscription d'une personne handicapée et de la nature du handicap pour décider si le handicap est compatible ou non avec le cours, et si le cas se pose, refuser l'admission".

4) Des professeurs ont retenu dans leur approche pédagogique l'insulte, pour stimuler la discussion, provoquer les étudiants à la réflexion et les encourager à une meilleure performance. Ces insultes mettent souvent en doute, en public, les capacités intellectuelles des étudiants et des étudiantes .

5) Un étudiant membre d'une minorité visible se présente au comptoir du service à la clientèle de l'institution d'enseignement. Les deux personnes en fonction ce jour-là sont des femmes. L'étudiant demande à la préposée de parler au superviseur. La préposée accepte d'aller chercher la superviseure. L'étudiant est en colère et exige de parler à un homme en position d'autorité et dit qu'il refuse de traiter avec les femmes, qui sont inférieures.

6) Rita devient de plus en plus insatisfaite à propos d'un de ses cours. Elle aime bien la matière, mais le comportement du professeur la dérange. Il aime bien faire des farces pour mettre un peu d'ambiance, mais certaines d'entre elles ont une connotation sexuelle. Dans ses commentaires, il se moque parfois des " blondes épaisses" ,parfois des "belles-mères". En parlant du comportement d'une femme, le professeur avait dit une fois en riant que ce devait sûrement être "son temps du mois". Bien des personnes rient en entendant de telles remarques, mais Rita ne trouve pas ça drôle du tout. Il reste encore la moitié de la session et Rita néglige déjà son travail pour le cours. Elle songe même à abandonner le cours et à en prendre un de plus à la prochaine session .

7) Dans un cours de sociologie de la famille, un professeur parle des responsabilités familiales et au cours de sa présentation mentionne:"Tous les bisexuels sont des psychopathes" Des étudiants du groupe s'objectent au commentaire. Ils quittent enfin la classe et vont relater le commentaire aux média et se plaindre à l'administration de la faculté.

8) Dans un cours de première année en administration, dans la section sur la gestion des ressources humaines, un professeur donne le travail suivant: "Effectuer la recherche, argumenter et démontrer que les programmes d'équité en matière d'emploi sont de la discrimination à rebours". On a indiqué aux étudiants qu'ils ne pouvaient défendre la position inverse.

9) Dans un cours de science politique, en parlant de la pauvreté dans le monde, un professeur dit: Les pays d'Afrique noire sont par terre parce que le quotient intellectuel des noirs est inférieur à celui des blancs et parce que les noirs ne sont pas capables de gérer les structures laissées par les blancs. Il faut que l'Afrique soit recolonisée à nouveau sinon c'est la catastrophe.

10) La compagne d'une étudiante en biochimie souffre du cancer. Cette dernière qui est responsable de soins de santé de sa compagne demande au département des différés pour des raisons de compassion. Au début on accepte sa demande, mais lorsqu'il est connu qu'elle est lesbienne, on change d'avis .

Quatre questions qui reviennent tout au long de ces exercices

- Comment prévenir
- Comment lutter contre le harcèlement et la discrimination?
- Comment construire un espace civique commun au sein de votre institution?
- Comment prendre une décision?
    Définir la situation;
    Émettre des hypothèses;
    Trouver un consensus;
    Entreprendre des actions (prévention ou intervention);
    Évaluer.
    Enfin, il faut savoir que pour chaque décision:
        " il y a toujours un choix ".
        " il y a un résultat".
        " il y a un risque" .

RESPONSABILITÉ DE L'EMPLOYEUR

Un autre domaine où le législateur a retenu une interprétation assez vaste touche la définition de l'étendue et de la nature de la responsabilité de l'employeur. Dans ce secteur, le législateur a tenté favorablement d'utiliser les lois sur les droits de la personne en créant une définition assez large de la responsabilité des employeurs, et en leur imposant l'obligation de prendre des mesures en vue de prévenir et de régler les problèmes, dès leur apparition.

La principale cause dans ce domaine est rrobichaud v. Canada (treasury board)[15] , pour laquelle la cour suprême du canada a déclaré que la loi canadienne sur les droits de la personne entraîne une «forme unique de responsabilité légale» non limitée par les doctrines développées ailleurs dans la loi et à d'autres fins. En vertu de robichaud, un employeur sera tenu responsable pour la discrimination survenant «en cours d'emploi», tel que décrit par Laforest J. Dans les détails suivants:

> Il semblerait plus approprié et conforme à l'intention du législateur d'interpréter la phrase «en cours d'emploi» comme étant reliée au travail, surtout en tenant compte que cette phrase est précédée des mots «directement ou indirectement». [14]

Dans le contexte d'une définition large ainsi que des aspects de prévention et de redressement de la loi sur les droits de la personne, laforest j. A maintenu que la responsabilité de l'employeur devait faire en sorte que «la commission soit habilitée à intervenir au coeur du problème, afin de prévenir sa réapparition et exiger que des mesures soient prises pour améliorer le milieu de travail.»[15]

Dans la jurisprudence subséquente, ce jugement a servi à imposer des responsabilités aux employeurs qui se regroupent dans trois catégories: a) l'employeur ne doit pas consentir à ce que l'acte soit commis ou à une plainte pour omission; 2) l'employeur doit faire preuve d'attention pour éviter que l'acte ou l'omission ne survienne; et 3) l'employeur doit faire preuve d'attention par la suite, afin d'atténuer ou d'éviter les conséquences de l'acte ou de l'omission. [16] Cette obligation est imposée aux employeurs puisqu'ils sont en mesure d'éviter que la discrimination ne soit répétée, et de punir les fautifs le cas échéant.[17]

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[15] [1987]2S.C.R. 84.

[14] Ibid, à la page 92. Voir aussi: Cluff v. Agriculture Canada and Sage, Trib. féd. 12 nov. 1982, (No. décision: T.D. 13/92); Skelly v. Assist Realty (1991) 16 C.H.R.R. D/23 (C.B.). La loi s'applique au harcèlement causé par un collègue de travail, tout comme par le superviseur: Persaud v. Consumers holdings Ltd. v. Sask. Human Rights Comm'n (1991), 15 C.H.R.R. D/333 (Q.B.)

[15] Ibid, à la page 94.

[16] Voir e.g. Hinds v. C.E.I.C. (1988), 10 C.H.R.R. D/5683; Pitawanakwat v. Secretary of State, Trib. féd. 23 déc. 1992, (No. décision: T.D. 23/92); -Gannon v. C.P. Ltd., Fed. Trib., June 16, 1993 (Decision No: T.D. 11/93).

Le 4 mai 1989, une décision de la cour suprême du canada a établi que le harcèlement sexuel constitue une forme de discrimination sexuelle. Dans le jugement rendu dans la cause Janzen v. Platy enterprises[18] , le juge en chef dickson a défini le harcèlement de manière large, de façon à inclure la sollicitation évidente de faveurs sexuelles en tant que condition pour obtenir ou conserver un emploi, et de façon moins évidente, les commentaires à connotation sexuelle qui nuisent au milieu de travail. Dans ce cas-ci, le tribunal a reconnu que le harcèlement sexuel représente la manifestation d'un problème plus large de discrimination en milieu de travail, et dickson c.j.c. Estime qu'il doit être interprété dans le contexte du marché du travail, où les femmes sont particulièrement plus exposées à cette forme d'abus de pouvoir.

Les rapports entre le harcèlement et la discrimination ont servi de fondement à une commission d'enquête de l'ontario pour établir que la législation pourrait s'appliquer à la conduite ou aux commentaires qui ne sont pas explicitement à caractère sexuel. Dans le jugement Shaw v. Levac Supply Ltd. [19], la plaignante était une femme assez obèse, qui travaillait au bureau de la compagnie intimée. Elle s'est plainte à la commission ontarienne, après que son superviseur lui ait fait plusieurs commentaires désagréables sur son poids. Toutefois, aucun de ces commentaires n'était directement de nature sexuelle. Le superviseur traitait la plaignante et une autre collègue de travail de «frigidaires», il a traité la plaignante de «grosse vache» et s'est moqué verbalement de sa démarche, de sorte qu'elle pouvait l'entendre. La commission a déterminé que de Tels commentaires de nature offensante et abaissante constituaient une forme de harcèlement prohibé par le code des droits de la personne de l'ontario, en partie parce qu'ils témoignaient de l'attitude générale du superviseur à l'endroit des femmes. De même, la commission a tranché que la définition de harcèlement sexuel retenue par la cour suprême dans la cause janzen pourrait inclure cette forme de sarcasmes:

> Il me semble évident que la façon d'exprimer ou d'insinuer un manque d'attrait sexuel se fait par des commentaires de nature sexuelle. Que l'auteur du harcèlement dise «vous n'êtes pas attirant(e) et je voudrais avoir des rapports sexuels avec vous» ou qu'il dise «nous n'êtes pas attirant(e) et personne ne voudra avoir de rapports sexuels avec vous», la référence est d'ordre sexuel dans les deux cas. C'est une conduite verbale de nature sexuelle; il s'agit de harcèlement sexuel en milieu de travail s'il est répétitif et créé un milieu de travail déplaisant. De plus, il s'agit de harcèlement sexuel sous forme de commentaire inapproprié de nature sexuelle.»[20]

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[17] On assiste à une augmentation du nombre de cas devant les tribunaux concernant les mesures disciplinaires à l'endroit d'employés qui ont supposément harcelé des collègues de travail; voir e.g. Hewes v. Etobicoke (1991), 92 C.L.L.C. 14, 001 (Div. gén. Ont.); voir l'article de Russell Juriansz, "Harassment as Grounds for Dismissal", préparé pour le séminaire "Wrongful Dismissal and Workplace Law Seminar", Toronto.

[18] [1987] 1 S.C.R. 1252.

[19] [1990] 14 C.H.R.R. D/36.

[20] Ibid, à la p. D/55. Voir aussi Cline v. General Electric Capital Auto Lease, 757 F. Supp. 923 (1991).

Inconduite sexuelle avec des étudiants: un arbitre présente les règles

Une lettre à caractère sexuel très implicite, envoyée par un professeur à une ancienne étudiante et l'incitant à reprendre leur liaison, est-elle suffisante pour justifier son congédiement? Le contenu de cette lettre est-il suffisant pour prouver qu'une liaison inappropriée a eu lieu par le passé? Est-il important que l'étudiante soit ou non sous l'autorité du professeur au Collège?

Les faits

Un professeur dans un collège communautaire, M. V., était chargé de la formation et du counseling de jeunes adultes ayant connu des difficultés personnelles et professionnelles. Il fut congédié lorsqu'une enveloppe rédigée de sa main et adressée à une ancienne étudiante a été retournée au secrétariat du collège et ouverte par mégarde. La lettre, imprimée par une imprimante semblable à celle utilisée au collège, contenait beaucoup de détails sur des activités sexuelles impliquant l'ancienne étudiante, l'auteur de la lettre et une tierce partie, et invitait l'ancienne étudiante à renouer ces rapports sexuels. Il n'était cependant pas clair si ces rencontres sexuelles avaient eu lieu quand l'étudiante était au collège, ou avait quitté.

La direction du collège a congédié M. V. en tenant compte qu'il était l'auteur de la lettre, qu'une telle missive était inappropriée et qu'une liaison incorrecte avait eu lieu. M. V., qui avait une longue expérience professionnelle et aucune faute à son dossier, logea un grief. Lors de l'audience, le collège fit valoir que M. V était l'auteur de la lettre. Ce dernier nia tout comportement inapproprié. L'ancienne étudiante ne fut convoquée par aucune des deux parties à témoigner.

La décision

La majorité des membres du conseil d'arbitrage présidé par M. Kenneth P. Swall ordonna que M. V. soit réinstallé dans ses fonctions, sans indemnité salariale.

(a) l'auteur de la lettre

La preuve circonstantielle était évidente à l'effet que l'auteur du grief avait écrit sur l'enveloppe contenant la lettre, et qu'il l'avait probablement aussi envoyée à l'étudiante. Malgré le fait que le syndicat ait soumis plusieurs explications en vue de disculper l'auteur du grief, aucune n'a permis de surmonter la conviction fournie par la preuve circonstantielle.

«À notre avis, l'évidence de la preuve circonstantielle à l'effet que l'auteur du grief a écrit sur l'enveloppe ne peut être rejetée par la simple supposition qu'un étudiant quelconque puisse avoir imité l'écriture de l'auteur du grief, surtout à la lumière du témoignage de l'auteur du grief lui-même, qui a reconnu que l'écriture sur l'enveloppe ressemblait beaucoup à la sienne. Nous sommes donc d'avis que le collège a démontré de façon convaincante, selon toute probabilité, que l'auteur du grief était la personne ayant écrit sur l'enveloppe

contenant la lettre inappropriée.»

De même, en égard à la preuve circonstantielle, le président a facilement démontré que l'auteur du grief avait écrit la lettre contenue dans l'enveloppe.

(b) la lettre ne prouve pas l'inconduite

Après avoir conclu que l'auteur du grief avait écrit la lettre, le président a néanmoins établi que son contenu ne démontre pas qu'une relation sexuelle est survenue. D'ailleurs, le fait que l'auteur du grief ait nié avoir écrit la lettre ne signifie pas nécessairement qu'il mentait lorsqu'il a soutenu n'avoir eu aucune liaison avec l'étudiante:

«Certaines causes en arbitrage suggèrent que, s'il est découvert que l'auteur(e) d'un grief ment, il ou elle ne devrait pas profiter de la discrétion qu'un comité d'arbitrage est en mesure d'assurer en vue de réduire la sanction imposée. Ceci diffère toutefois beaucoup des conclusions voulant que, puisque l'employeur a préparé une cause basée sur les probabilités que l'auteur du grief n'est pas en mesure de surmonter, l'auteur du grief ment nécessairement et que ce mensonge cache de fait la pire conclusion que l'on puisse déduire. Même si l'auteur du grief a envoyé la lettre, comme nous l'indiquent les probabilités, il est néanmoins possible qu'il dise la vérité à l'effet qu'il ne s'est pas engagé dans une liaison avec Mlle «X» (l'étudiante), et que cette lettre fut envoyée pour une autre raison.

Sans découvrir si l'auteur du grief avait eu une liaison avec l'étudiante, le président exposa que le premier pourrait avoir tenté de protéger sa famille des conséquences de la découverte d'une telle liaison, même si cette liaison n'était pas d'intérêt légitime pour le collège.

(c) le comportement

Le président n'était pas convaincu que les activités décrites dans la lettre, même vérifiques, étaient d'un intérêt légitime pour le collège. L'auteur du grief n'a jamais été reconnu comme conseiller et par conséquent, la **Politique sur l'éthique professionnelle et les normes de pratique** s'appliquant aux conseillers du collège pour interdire les liaisons avec les clients ne le concernent pas. D'ailleurs, la **Politique sur les droits de la personne** du collège, qui interdit le harcèlement sexuel, ne pouvait s'appliquer en soi parce que l'étudiante ne s'était jamais plainte que l'auteur du grief l'avait harcelée, et leurs rapports étaient de leur plein gré mutuel et ne répondaient pas aux catégories d'infractions définies.

De plus, il n'était pas évident que le comportement sexuel décrit dans la lettre soit survenu à l'époque où l'étudiante fréquentait le collège. De l'avis du président, différents motifs auraient pu s'appliquer selon les circonstances. Si le comportement sexuel avait pris place à l'époque où l'étudiante fréquentait encore assidûment le collège et que le professeur lui enseignait, il y aurait alors une présomption réfutable à l'effet que des mesures disciplinaires s'imposaient:

«Compte tenu de la première période durant laquelle l'auteur du grief fut directement impliqué à titre de professeur auprès de Mlle «X» (l'étudiante), nous sommes d'avis qu'une liaison entre un professeur et un(e) étudiant(e) adulte, surtout si elle est cachée, constitue probablement un motif suffisant pour imposer des mesures disciplinaires. Il existe toujours la possibilité, si minime soit-elle, que la position d'autorité de l'enseignant par rapport à l'étudiant(e) puisser servir, même de manière subtile, à inciter l'étudiant à avoir une liaison. Lorsqu'il s'agit d'étudiant(e)s adultes sans handicap, nous ne soutenons pas que chaque cas devrait entraîner l'imposition de mesures disciplinaires; il peut exister des circonstances lors desquelles une telle liaison pourrait débuter et se poursuivre, sans nuire à l'une ou l'autre des parties. Mais dans tous les cas où une telle liaison est démontrée, le fardeau d'avoir à justifier cette liaison pour écarter toute présomption de conflit d'intérêt revient au professeur concerné, et possiblement aussi à l'étudiant(e).»

Si ce comportement est survenu pendant que l'étudiante fréquentait le collège mais ne suivait pas les cours du professeur, différentes normes s'appliqueraient y compris l'interdiction de harcèlement sexuel telle qu'énoncée dans la **Politique sur les droits de la personne** du collège. Toutefois, et tel qu'indiqué plus haut, il n'existait aucune preuve à l'effet que l'auteur du grief aurait manqué à son devoir en ce sens.

Enfin, si la liaison était survenue après que l'étudiante ait quitté le collège, cette liaison, selon les termes du président «ne concernait pas le collège» puisqu'elle ne risquait pas de nuire à la réputation ou à la clientèle du collège:

«Des rapports sexuels assumés d'un commun accord entre deux adultes non engagés dans une relation et qui soulèvent certaines inquiétudes ne peut concerner un employeur que si cette relation a des conséquences directes sur le fonctionnement, les activités ou la réputation de cet employeur».

Si les rapports sexuels décrits dans la lettre sont vrais, il est plus concevable qu'ils eurent lieu en privé entre des adultes consentants, après que l'étudiante ait quitté le collège. Le président a fait remarquer:

«D'après la lettre, il semble plus concevable que les rapports sexuels survenus entre l'auteur du grief et Mlle «X» (l'étudiante) aient pris place à une date rapprochée de la date indiquée sur la lettre, plutôt que quelque 30 mois auparavant, lorsque Mlle «X» était étudiante. Par conséquent, quelle que soit la valeur de la lettre, elle n'endosse pas la conclusion du collège à l'effet que la liaison entre l'auteur du grief et Mlle «X» était incorrecte et devait faire l'objet de mesures disciplinaires parce qu'elle est survenue pendant que l'étudiante était sous une quelconque influence du professeur».

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Toutefois, ce qui précède ne disculpe pas complètement l'auteur du grief, puisque de l'avis du président, la lettre en soit ainsi que les circonstances entourant son envoi constituent des motifs suffisants pour exercer des mesures disciplinaires. Le président a indiqué:

«Même sans constater qu'une liaison inappropriée soit survenue entre l'auteur du grief et Mlle «X», le collège avait des motifs pour imposer des mesures disciplinaires à l'auteur du grief. Bien que la lettre soit un document privé, son contenu est en soi obscène, qu'il réponde ou non à la définition d'obscénité contenue dans le code criminel. Malgré le fait que les gens aient le droit d'échanger des lettres ayant un tel contenu, la société a le droit d'être protégée, au moins en milieu de travail. L'envoi de la lettre dans une enveloppe portant l'adresse de retour du collège, sans aucune indication permettant de la retourner personnellement à l'auteur du grief, entraîna le risque considérable que lors de son retour, elle soit ouverte et lue par un autre employé du collège».

Compte tenu de la longue expérience professionnelle de l'auteur du grief, ainsi que de son dossier exemplaire, il fut décidé de le réintégrer dans ses fonctions, mais sans indemnité salariale.

Analyse

Cette cause s'avère utile pour comprendre les relations progressives avec les étudiant(e)s, lorsqu'ils sont supervisés par un professeur, encore au collège et après leur graduation.

Ontario Public Service Employees Union v Sault College of Applied Arts and Technology.
Arbitrage de grief
Kenneth P. Swan, Président
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(416) 977-6618

Les professeurs peuvent-ils utiliser un langage injurieux pour faire passer leur message?

Le point en litige

Un professeur peut-il être tenu responsable d'avoir utilisé un langage injurieux, s'il le fait dans le contexte de son «style personnel» d'enseignement? Cette question a été soulevée lors d'une récente cause au Manitoba.

Les faits

Cette cause implique un professeur d'architecture de l'Université du Manitoba, nommé J.C., qui, semble-t-il, pouvait difficilement donner ses cours sans recourir à la vulgarité et à des commentaires de nature violente et sexuelle. Par exemple, il aurait apparemment utilisé des termes tels «les bâtards de Chinois», référant aussi de façon peu flatteuse aux «homos», aux «lesbiennes» et aux «nègres», et qualifié le travail d'un étudiant de «beau paquet de merde». Lors des discussions en classe, il aurait aussi mentionné «pour violer une femme, tenez-vous loin de ses aisselles». On a rapporté aussi qu'il aurait serré l'épaule d'une étudiante en disant «allons-y avec un peu de harcèlement sexuel». Par la suite, une étudiante a eu des cauchemars, tandis qu'une autre fut tellement contrariée qu'elle devint déprimée et perdit sept kilos. À la suite de sa conduite répréhensible avec les étudiants, J.C. fut suspendu pendant un an sans salaire. Il logea un grief, en invoquant que les mesures disciplinaires prises étaient injustes, ou sinon, que la suspension d'un an était trop sévère compte tenu de l'expérience professionnelle de 30 ans cumulée par l'auteur du grief, de l'absence de toute plainte à son dossier et de toute mesure de réprimande antérieure.

La plaidoirie

Lors de l'audience, l'université fit valoir que la preuve essentielle et évidente était que le professeur n'avait pas respecté les normes de conduite professionnelle auxquelles on s'attendait de lui, et qu'il avait suscité un milieu d'apprentissage malsain. En ce sens, l'université demanda à l'arbitre de tenir compte que l'auteur du grief n'avait pas témoigné. En égard à la preuve soumise, l'université fit valoir que la conduite de l'auteur du grief était en violation de ses obligations envers l'université et ses étudiants, envers les différents codes d'éthique de l'université, et méritait une longue suspension sans salaire. De plus, selon l'université, il n'existait aucun justificatif pour atténuer la mesure disciplinaire imposée.

En revanche, l'association de la faculté fit valoir que l'auteur du grief recourait à un langage grossier et parfois blessant pour mieux souligner l'importance de sa matière et transmettre des idées neuves aux étudiants. L'association allégua que certains commentaires faisaient partie de son «style personnel» d'enseignement, n'étaient que des plaisanteries et ne visaient certes pas à offenser quiconque. En déférence au manquement de l'auteur du grief à témoigner, l'association affirma que les déclarations de ce dernier à l'enquêteur sur le harcèlement sexuel étaient suffisantes pour réfuter toute déduction que son absence à témoigner lors de son audience aurait pu soulever. L'association, qui cherchait à substituer la réprimande par une suspension, fit valoir que l'auteur du grief comprenait désormais que son langage pouvait déplaire à certains.

Les politiques de l'université

La politique de l'université interdit le harcèlement sexuel, défini selon les termes suivants:

«comportement de nature sexuelle, y compris les commentaires visant ou ayant comme conséquence de créer un milieu de travail gênant, défavorable ou choquant, et dans lequel les étudiants ou les membres du personnel doivent étudier ou travailler».

De même, l'université avait adopté une politique sur les «Responsabilités du corps enseignant envers les étudiants», exigeant que les étudiants soient traités équitablement, en accord avec les lois sur les droits de la personne. L'arbitre a résumé cette politique de la façon suivante:

«Cette politique énonce notamment que les responsabilités du personnel enseignant face aux étudiants doivent comporter un traitement juste et équitable des étudiants, que les responsabilités académiques des enseignants doivent miser sur l'intégrité, la compétence et l'efficacité pédagogiques, et que lors des activités avec les étudiants, le personnel enseignant doit se plier à la législation actuelle sur les droits de la personne et s'abstenir de traiter différemment les étudiants sur la base de leur appartenance, réelle ou présumée, à certains groupes de personnes.»

La décision

Loin de constater que le langage et la conduite de l'auteur du grief constituent une expression de liberté académique, l'arbitre Martin Freedman la qualifia de «blâmable».

«Je n'ai nul besoin de revoir plus en détails la preuve de la conduite de l'auteur du grief, qui fut extrêmement inappropriée, ouvertement rude et indifférente, et certainement «condamnable». Un professeur d'expérience qui, comme on peut le déduire de la preuve, possède une bonne formation, a beaucoup voyagé, est cultivé, et qui se conduit de la façon décrite peut seulement être vu comme totalement incompatible avec les devoirs et responsabilités des professeurs en vertu des politiques de l'université qui ont été incorporées en référence à la convention, et que les membres bien-pensants du personnel académique appuient de tout coeur.

En évaluant la preuve fournie par le psychiatre, qui témoignait en faveur de l'auteur du grief, l'arbitre n'a pu en arriver à la conclusion que l'auteur du grief avait voulu offenser ses étudiants, mais l'a néanmoins trouvé coupable:

«Je ne suis pas en mesure d'indiquer si la conduite (de J.C.) est attribuable à une condition qu'une intervention psychiatrique pourrait aider à résoudre, et s'il ne comprend vraiment pas (en raison de son état) que sa conduite était inacceptable, ou s'il considère simplement sa conduite comme acceptable, bien qu'extrême dans une certaine mesure, comme tend à l'indiquer sa réponse. En l'absence de preuve par l'auteur du grief, je ne puis déterminer de façon satisfaisante pour quelle raison exactement l'auteur du grief s'est comporté comme il l'a fait. Par conséquent, il est complexe de traiter de l'intention, et j'estime, après avoir pris connaissance des dépositions, que je ne devrais pas spéculer sur les raisons pour lesquelles l'auteur du grief s'est conduit comme il l'a fait. Les risques sont élevés lorsqu'un professeur se conduit comme il (J.C.) l'a fait, que ce soit de façon délibérée ou dans le cadre de son «style d'enseignement». Le risque est de blesser et d'offenser. Le professeur doit assumer les conséquences d'une telle conduite.»

L'arbitre a constaté que par sa conduite, l'auteur du grief a violé les différentes politiques de l'université, y compris les normes de conduite et a suscité un milieu d'apprentissage malsain.

«Sa (J.C.) conduite et son comportement ont fait entrave à la dignité, à l'estime personnelle ainsi qu'à la productivité de certains de ses étudiants, et en ce sens contrevenaient certes à la polique de l'université sur le harcèlement sexuel. Certains aspects de sa conduite s'avéraient probablement du harcèlement sexuel, puisqu'ils étaient de nature sexuelle et nuisaient à l'environnement de travail. De façon plus évidente, sa conduite allait à l'encontre de la Politique sur les responsabilités du corps enseignant envers les étudiants. Sa conduite était à l'antithèse de ses responsabilités à traiter les étudiants d'une manière juste et équitable, et d'assumer ses responsabilités d'enseignant avec efficacité.»

Après avoir constaté que la conduite de l'auteur du grief était condamnable, l'arbitre a néanmoins ordonné de réduire la mesure disciplinaire, à la lumière de plusieurs circonstances atténuantes, y compris un dossier exemplaire depuis plus de 30 ans, ainsi que l'âge de l'auteur du grief (65 ans). Une suspension de six mois a été imposée.

Analyse

Le recours à un «style d'enseignement» très personnel n'autorise pas les enseignants à utiliser un langage ou une conduite qui risque de s'avérer choquant pour les étudiants.

Université of Manitoba Faculty Association v. University of Manitoba. Arbitrage de grief. Martin H. Freedman, seul arbitre. Le 13 mai 1993 (87 pages). Réimprimé avec la permission de Education Employment Law News, Vol.9, No. 9, Septembre 1993, Lancaster House, 20 Dundas Street West, Toronto, Ontario, M5G 2G8. (416) 977-6618

Trahies par l'académie

L'édition du 6 avril 1994 de Chronicle of Higher Education (voir A17) rapporte qu'un membre féminin sur sept en moyenne, dans les départements de collèges américains, a été victime de harcèlement sexuel en cours de carrière dans l'institution actuelle.

C'est l'une des constatations qui ressort d'une nouvelle étude intitulée **"Betrayed by the Academy: The Sexuel Harassement of Women College Faculty".** (Trahies par l'Académie: le harcèlement sexuel des femmes enseignant dans les collèges).

Des chercheurs de l'Université du Michigan et de l'Université de la Californie (Los Angeles) ont enquêté auprès de 30 000 professeurs masculins et féminins, dans 270 institutions publiques et privées. L'étude fut menée par Eric L. Day, un professeur adjoint d'éducation au Michigan, assisté de deux étudiants gradués d'UCLA, Linda J. Sax et Jessica Horn. Les auteurs font valoir qu'il s'agit de la plus importante étude à se pencher sur les conséquences du harcèlement sexuel pour les professeurs féminins.

Les résultats démontrent que 24 % des femmes occupant des fonctions de professeur à temps plein ont répondu qu'elles avaient été victime de harcèlement sexuel durant leur carrière; 13 % des professeurs adjoints ont indiqué avoir subi du harcèlement; et 3 % des professeurs masculins ont répondu la même chose.

L'étude a aussi constaté que les professeurs féminins de race noire étaient plus enclins à se plaindre de harcèlement que les autres femmes. Les femmes enseignant dans les universités publiques étaient plus sujettes au harcèlement, tandis que celles dans des collèges catholiques (romains) l'étaient le moins.

BIBLIOGRAPHIE .

Discrimination

Tepper, Elliot. Ottawa, une ville différente?: discrimination et relations interraciales dans la capitale nationale : étude faite pour la Direction générale du multiculturalisme du Secrétariat d'État

Contant, Martine Le harcèlement racial en milieu de travail: des propositions pour une meilleure qualité de la vie au travail. 1986

Ricard, Philippe. Le harcèlement sexuel au Cégep: enquête menée auprès des étudiantes des Cégeps francophones et anglophones du Québec.

Bellefeuille, Johanne de. Le harcèlement sexuel: non c'est non! Montréal: Éditions du Remue-ménage, 1993

Mahen, Robert Les francophones du Canada, 1941-1991, Montréal, Édition Parti-pris 1970.

Lalonde, Francine. Les francophones hors Québec et les anglophones du Québec:un dossier comparatif

Chaperon-Lord, D. Une minorité s'explique: les attitudes de la population francophone du Nord-Est Ontarien envers l'éducation de langue française, Toronto; OISE, 1974.

Baner, Julien. Minorités au Québec. Ville St-Laurent, Boréal, 1994.

Yaj, Richard.J. Les minorités des langues officielles au Canada. Montréal: L'Institut de recherches C.D Have 1978.

Les minorités en Europe: droits linguistiques et droits de l'homme. Paris, Éditions Kimé, 1992.

Rousso-Lenoir, Fabienne. Minorités et droits de l'homme: L'Europe et son double. Bruxelles: Bruylant; Paris, LGDJ, 1994.

Minorités et État. Talence (France): P.U de Bourdeaux; Québec: Presse de l'Université Laval, 1986.

Bonhomme, Laurier. Les minorités ethniques à Montréal, Montréal: Bureau de consultation jeunesse, 1993.

Les minorités ethniques en Europe. Paris, L'harmattan, 1993

Batselier, Steven de. Les minorités homosexuelles: une approche comparative : Allemagne, Pays-Bas, États-Unis . Gembloux, Duculot, 1973.

Les minorités linguistiques dans les pays de la Communauté européenne: rapport de synthèse . Luxembourg: Office des publications officielles des Communautés européennes, 1986 .

Collectif des femmes immigrantes du Québec. Femmes immigrantes du Québec. L'enjeu des années 90. Montréal, 1990.

Colloque sur les minorités linguistiques(1977: Université Laval) Québec : Presse de l'Université Laval) 1978.

Minorités visibles, communautés ethno-culturelles et politique canadienne: la question de l'accessibilité . Toronto: Dundum Press Limited et Wilson & La fleur Limitée, 1991

Équité.

Équité d'emploi pour les femmes des minorités visibles: guide à l'intention des employeurs . Toronto: Urban Alliance on Race , Direction générale de la Condition féminine, 1989.

L'équité en matière d'emploi pour les femmes au sein de la fonction publique de l'Ontario. Toronto: Ministère délégué à la Condition féminine, Ont. 1986

Équité en matière d'emploi pour les femmes autochtones : travailler main dans la main . Toronto: La direction génération de la Condition féminine, 1991.

Stéréotypes.

Contrey, Alice E. Stéréotypes fondés sur le sexe dans la publicité (persepective canadienne) Ottawa, Condition féminine, 1978, Conseil consultatif de la condition féminine .

Leduc, Aimée. Les stéréotypes sexistes et la charte québécoise des droits et libertés . Québec:Commision des droits de la personne du Québec, 1983, 1979.

Rapport sur l'auto-règlementation pour les industries de la radiodiffusion et de la publicité pour l'élimination des stéréotypes sexuels véhiculés par les médias de radioffusion. Ottawa: Le conseil de la radioffusion et des télécommunications canadiennes, 1986.

Inégalités.

Eysenck, H.Y (Hans Jurgen). L'inégalité de l'homme . Paris, Copernic, 1977.

Boudon, Raymond. L'inégalité des chances: la mobilité sociale dans les sociétés industrielles. Paris, A.Colin, 1973.

Morisette,R. L'inégalité des gains au Canada: le point sur la situation . Ottawa : Statistique Canada, 1993.

Champagne-Gilbert, Manuce. L'inégalité des hommes-femmes, la plus grande injustice. Montréal, Champagne-G,1976.

Anstein, Michael D. Inégalités de rémunération entre les hommes et femmes au Canada : Survol des recherches antérieures et cadres théoriques . Ottawa: Travail Canada, 1982.

Girod, Roger. Les inégalités sociales. Paris, P.U.F.1984.

Les inégalités sociales: situation, mécanismes, actions correctrices . Paris: Éditions du centre national de la recherche scientifique, 1977.

Intolérance.

Daniel Welzer-Lang, Pierre Ditey et Michel Dorais. La peur de l'autre en soi . Du sexisme à l'homophobie. Montréal, VLB, 1994.

Noël, Lise. L'intolérance: une problématique générale . Montréal, Québec,Boréal, 1989.

Diversité.

Jacqueline Jean-Baptiste. La nouvelle mosaique culturelle en milieu scolaire : Défis . Toronto, mai 1991.

Masemann, Vandra L. Éducation et diversité culturelle et linguistique au Canada, examens pays: Canada, Ottawa, Multiculturalisme, 1985.

Ministère de l'Éducation et de la Formation. Investir dans l'animation culturelle . Guide d'intervention . Paliers élémentaire et secondaire . Ontario, 1994

Préjugé.

Saragossi, Maggy., Préjugés, relations humaines. Sexualité:intégration, sociale des personnes handicapées . Drummondville-Sud, Québec. Office des personnes handicapées du Québec, 1981.

Racisme.

Jacqueline Jean-Baptiste. Pour un programme d'études axé sur l'antiracisme et l'équité ethnoculturelle. Toronto, septembre 1994.

Jalons pour une éducation aux relations interraciales, Toronto, novembre 1990.

Comprenons les bases socio-historiques de l'inéquité raciale et ethnoculturelle, Toronto, mars1991.

Ministère de l'Éducation et de la Formation. Guide sur l'éducation en matière d'antiracisme et d'équité ethnoculturelle. Vers une nouvelle optique . Ontario. 1993

Szacka, Alexandra. Le racisme aujourd'hui. Québec City: Association des Travailleurs Immigrants. Québec 1982.

Racisme dans les médias. Québec. Association des Travailleurs immigrants . Québec, 1982.

Memmi.Albert. Le racisme:description, définition, traitement. Paris, Gallimard,1982.

Unesco. Le racisme devant la science. Paris,Unesco, 1973.

Varet, Gilbert. Racisme et société, ouvrage collectif redigé sous la direction de Patrice de Canarmond et de Claude Duchet. Paris; F.Maspero, 1969.

Racisme et xénophobie en Europe: une comparaison internationale. Paris, Éditions La découverte, 1994.

Métoni, Mahomed Moncef. Racisme, je te hais. Paris: La pensée universelle,1973.

Le racisme:mythes et sciences. Bruxelles: Édition complexe, 1981.

Haghighat,Chapon. Le racisme " scientifique": offensive contre l'égalité sociale . Paris: L'harmattan, 1988.

Peters, Georges. Racismes et races: histoire, science pseudo-science et politique . Lausanne: Éditions d'en bas, 1986.

Hirsch, Emmanuel. Racismes: l'autre et son visage. Paris: Édition du cerf.1988.

Sexisme

Baby, François. Sexisme dans les vidéoclips à la télévision: rapport sommaire.Québec: Conseil du Statut de la femme, 1988.

Le sexisme en milieu scolaire . Québec: Commission des droits de la personne du Québec 1977-1984 .

Ricard, Philippe. Sexisme et éducation: analyse des attitudes sexistes des étudiants et étudiantes et des pédagogiques des Collèges . Montréal: Collège de Rosemont, 1988.

Michard-Marchal, Claire. Sexisme et sciences humaines : pratique linguistique du rapport de sexage. Lille, P.U.de Lille, 1982.

Agresssion.

Moser, Gabriel. L'agression. Paris, P.U.F, 1987.

Lycops, J.P. L'agression silencieuse: ou, le génocide culturel en Afrique. Paris: Édition Anthropos, 1975.

Hacker, Friedrich. Agression, violence dans le monde moderne. Paris, Calmann-Lévy, 1972.

Violence.

Violence et racisme au Québec: Rapport du Comité d'intervention contre la violence.

Violence et racisme au Québec: Rapport du Comité d'intervention contre la violence raciste. Montréal: Le comité,1992.

Violence et sociétés. Sillery, Québec: Centre québecois de relations internationales, 1973.

Sexe.

Yaguello, Marina. Le sexe des mots. Paris: Belford,1989.

Le sexe des politiques sociales. Paris: Côté-Femmes 1993.

Sexe des sciences: les femmes en plus. Paris: Autrement,1992.

Le sexe du travail: Structures familiales et système productif . Grenoble: P.U.de Grenobles 1984.

Greer,Germaine. Sexe et destinée. Paris, B.Grasset,1986.

Rodgers, Raymond Spencer. Le sexe et la loi du Canada. Montréal: Édition du jour 1962.

Ruffié, Jacques. Le sexe et la mort . Paris, Seuil,1988.

Flamand,Jacques. Le sexe et la personne: approche personnaliste. Toulouse: Puvat,1972.

Branlard,J.-P. Le sexe et l'état des personnes: aspects historique, sociologique et juridique. Paris: Librairie générale de droit et de jurisprudence, 1993.

Flandrin, Jean Louis. Le sexe et l'Occident: évolution des attitudes et des comportements .

Sexes et genres ŕ travers les langues, éléments de communication sexuée français, anglais, italien. Paris, B.Grasset,1990.

Préjean,Marc. Sexes et pouvoir: la construction sociale des corps et des émotions. Montréal : P.U.M, 1994.

3.0 RESOURCES

3.0 RESOURCES

3.1 SELECTED ARTICLES

Three articles are reprinted here with the permission of the authors. The articles were selected because they address key issues for those doing harassment and discrimination prevention education. Peggy McIntosh has written a number of articles which help readers understand what white privilege is and how it manifests itself in North American society. In the article reprinted here, she provides an analysis of systemic oppression which clearly points to the support we give oppression when we do nothing to challenge it. The additional commentary at the end of the article assists in critically reflecting on her work. Policies on harassment and discrimination are frequently challenged on the grounds that they conflict with the tenets of academic freedom. Naomi Levine's discussion paper examines the clash between the philosophical basis of academic freedom and its use as a defense to a charge of harassment. The final article, from the Doris Marshall Institute, challenges anti-racism educators to think about how anti-racism education is being done and, critically, whether or not it is making a difference. Four tensions that have emerged are outlined and an invitation is extended to educators to think more and discuss issues with the Institute. This article challenges educators to think about their role and what they can do to make change.

WHITE PRIVILEGE AND MALE PRIVILEGE

A PERSONAL ACCOUNT OF COMING TO SEE CORRESPONDENCES THROUGH WORK IN WOMEN'S STUDIES

Peggy McIntosh

1988

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Through work to bring materials and perspectives from Women's Studies into the rest of the curriculum, I have often noticed men's unwillingness to grant that they are over-privileged in the curriculum, even though they may grant that women are disadvantaged. Denials which amount to taboos surround the subject of advantages which men gain from women's disadvantages. These denials protect male privilege from being fully recognized, acknowledged, lessened, or ended.

Thinking through unacknowledged male privilege as a phenomenon with a life of its own, I realized that since hierarchies in our society are interlocking, there was most likely a phenomenon of white privilege which was similarly denied and protected, but alive and real in its effects. As a white person, I realized I had been taught about racism as something which puts others at a disadvantage, but had been taught not to see one of its corollary aspects, white privilege, which puts me at an advantage.

I think white males are carefully taught not to recognize male privilege. So I have begun in an untutored way to ask what it is like to have white privilege. This paper is a partial record of my personal observations, and not a scholarly analysis. It is based on my daily experiences within my particular circumstances.

I have come to see white privilege as an invisible package of unearned assets which I can count on cashing in each day, but about which I was "meant" to remain oblivious. White privilege is like an invisible weightless knapsack of special provisions, assurances, tools, maps, guides, codebooks, passports, visas, clothes, compass, emergency gear, and blank cheques.

Since I have had trouble facing white privilege, and describing its results in my life, I saw parallels here with men's reluctance to acknowledge male privilege. Only rarely will a man go beyond acknowledging that women are advantaged to acknowledging that men have unearned advantage, or that unearned privilege has not been good for men's development as human beings, or for society's development, or that privilege systems might ever be challenged and changed.

I will review here several types or layers of denial which I see at work protecting, and preventing awareness about, entrenched male privilege. Then I will draw parallels, from my own experience, with the denials which veil the facts of white privilege. Finally, I will list 46 ordinary and daily ways in which I experience having white privilege, within my life situation and its particular social and political frameworks.

Writing this paper has been difficult, despite warm receptions for the talks on which it is based.[1] For describing white privilege makes one newly accountable. As we in Women's Studies work reveal male privilege and ask men to give up some of their power, so one who writes about having white privilege must ask, "Having described it, what will I do to lessen or end it?"

The denial of men's overprivileged state takes many forms in discussions of curriculum change work. Some claim that men must be central in the curriculum because they have done most of what is important or distinctive in life or in civilization. Some recognize sexism in the curriculum but deny that it makes male students seem unduly important in life. Others agree that certain individual thinkers are blindly male-oriented but deny that there is any systemic tendency in disciplinary frameworks or epistemology to over-empower men as a group. Those men who do grant that male privilege takes institutionalized and embedded forms are still likely to deny that male hegemony has opened doors for them personally. Virtually all men deny that male overreward alone can explain men's centrality in all the inner sanctums of our most powerful institutions. Moreover, those few who will acknowledge that male privilege systems have over-empowered them usually end up doubting that we could dismantle these privilege systems. They may say they will work to improve women's status, in the society or in the university, but they can't or won't support the idea of lessening men's. In curricular terms, this is the point at which they say that they regret they cannot use any of the interesting new scholarship on women because the syllabus is full. When the talk turns to giving men less cultural room, even the most thoughtful and fair-minded of the men I know well tend to reflect or fall back on, conservative assumptions about the inevitability of present gender relations and distributions of power, calling on precedent or sociobiology and psychobiology to demonstrate that male domination is natural and follows inevitably from evolutionary pressures. Others resort to arguments from "experience" or religion or social responsibility or wishing and dreaming.

After I realized through faculty development work in Women's Studies, the extent the which men work from a base of unacknowledged privilege, I understood that much of their oppressiveness was unconscious. Then I remembered the frequent charges from women of color that white women whom they encounter are oppressive. I began to understand why we are justly seen as oppressive, even when we don't see ourselves that way. At the very least, obliviousness of one's privileged state can make a person or group irritating to be with. I began to count the ways in which I enjoy unearned skin privilege and have been conditioned into oblivion about its existence, unable to see that it put me "ahead"in any way, or put my people ahead, overrewarding us and yet also paradoxically damaging us, or that it could or should be changed.

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[1] This paper was presented at the Virginia Women's Studies Association conference in Richmond in April, 1986 and the American Educational Research Association conference in Boston in October, 1986 and discussed with two groups of participants in the Dodge Seminars for Secondary School Teachers in New York and Boston in the Spring of 1987.

My schooling gave me no training in seeing myself as an oppressor, as an unfairly advantaged person, or as a participant in a damaged culture. I was taught to see myself as an individual whose moral state depended on her individual moral will. At school, we were not taught about slavery in any depth; we were not taught to see slave holders as damaged people. Slaves were seen as the only group at risk of being dehumanized. My schooling followed the pattern which Elizabeth Munnich as pointed out: whites are taught to think of their lives as morally neutral, normative, and average, and also ideal, so that when we work to benefit others, this is seen as work which will allow "them" to be more like "us". I think many of us know how obnoxious this attitude can be in men.

After frustration with men who would not recognize male privilege, I decided to try to work on myself at least by identifying some of the daily effects of white privilege in my live. It is crude work, at this stage, but I will give here a list of special circumstances and conditions I experience which I did not earn but which I have been made to feel are mine by birth, by citizenship, and by virtue of being a conscientious law-abiding "normal" person of good will. I have chosen those conditions which I think in my case attach somewhat more to skin-color privilege than to class, religion, ethnic status, or geographical location, though of course all these other factors are intricately intertwined. As far as I can see, my Afro-American co-workers, friends, and acquaintances with whom I come into daily or frequent contact in this particular time, place, and line of work cannot count on most of these conditions.

1. I can if I wish arrange to be in the company of people of my race most of the time.

2. I can avoid spending time with people whom I was trained to mistrust and who have learned to mistrust and who have learned to mistrust my kind or me.

3. If I should need to move, I can be pretty sure of renting or purchasing housing in an area which can afford and in which I would want to live.

4. I can be pretty sure that my neighbors in such a location will be neutral or pleasant to me.

5. I can be shopping alone most of the time, pretty well assured that I will not be followed or harassed.

6. I can turn on the television or open to the front page of the paper and see people of my race widely represented.

7. When I am told about our national heritage or about "civilization," I am shown that people of my color made it what it is.

8. I can be sure that my children will be given curricular materials that testify to the existence of their race.

9. If I want to, I can be pretty sure of finding a publisher for this piece on white privilege.

10. I can be pretty sure of having my voice heard in a group in which I am the only member of my race.

11. I can be casual about whether or not to listen to another woman's voice in a group in which she is the only member of her race.

12. I can go into a music shop and count on finding the music of my race represented, into a supermarket and find the staple foods which fit with my cultural traditions, into a hairdresser's shop and find someone who can cut my hair.

13. Whether I use checks, credit cards, or cash, I can count on my skin color not to work against the appearance of financial reliability.

14. I can arrange to protect my children most of the time from people who might not like them.

15. I do not have to educate my children to be aware of systemic racism for their won daily physical protection.

16. I can be pretty sure that my children's teachers and employers will tolerate them if they fit school and workplace norms; my chief worries about them do not concern others' attitudes toward their race.

17. I can talk with my mouth full and not have people put this down to my color.

18. I can swear, or dress in second hand clothes or not answer letters, without having people attribute these choices to the bad morals, the poverty, or the illiteracy of my race.

19. I can speak in public to powerful male group without putting my race on trial.

20. I can do well in a challenging situation without being called a credit to my race.

21. I am never asked to speak for all the people of my racial group.

22. I can remain oblivious of the language and customs of persons of color who constitute the world's majority without feeling in my culture any penalty for such

oblivion.

23. I can criticize our government and talk about how much I fear its policies and behaviour without being seen as a cultural outsider.

24. I can be pretty sure that if I ask to talk to "the person in charge," I will be facing a person of my race.

25. If a traffic cop pulls me over or if the IRS audits my tax return, I can be sure I haven't been singled out because of my race.

26. I can easily buy poster, post-cards, picture books, greeting cards, dolls, toys, and children's magazines featuring people of my race.

27. I can go home from most meetings of organizations I belong to feeling somewhat tied in, rather than isolated, out-of-place, outnumbered, unheard, held at a distance, or feared.

28. I can be pretty sure that an argument with a colleague of another race is more likely to jeopardize her chances for advancement than to jeopardize mine.

29. I can be pretty sure that if I argue for the promotion of a person of another race, or a program centering on race, this is not likely to cost me heavily within my present setting, even if my colleagues disagree with me.

30. If I declare there is a racial issue at hand, or there isn't a racial issue at hand, my race will lend me more credibility for either position than a person of color will have.

31. I can choose to ignore developments in minority writing and minority activist programs, or disparage them, or learn from them, but in any case, I can find ways to be more or less protected from negative consequences of any of these choices.

32. My culture gives me little fear about ignoring the perspectives and powers of people of other races.

33. I am not made acutely aware that my shape, bearing, or body odor will be taken as a reflection on my race.

34. I can worry about racism without being seen as self-interested or self-seeking.

35. I can take a job with an affirmative action employer without having my co-workers on the job suspect that I got it because of my race.

36. If my day, week, or year is going badly, I need not ask of each negative episode or situation whether it has racial overtones.

37. I can be pretty sure of finding people who would be willing to talk with me and advise me about my next steps, professionally.

38. I can think over many options, social, political, imaginative, or professional, without asking whether a person of my race would be accepted or allowed to do what I want to do.

39. I can be late to a meeting without having the lateness reflect on my race.

40. I can choose public accommodation without fearing that people of my race cannot get in or will be mistreated in the places I have chosen.

41. I can be sure that if I need legal or medical help, my race will not work against me.

42. I can arrange my activities so that I will never have to experience feelings of rejection owing to my race.

43. If I have low credibility as a leader, I can be sure that my race is not the problem.

44. I can easily find academic courses and institutions which give attention only to people of my race.

45. I can expect figurative language and imagery in all of the arts to testify to experiences of my race.

46. I can choose blemish cover or bandages in "flesh" color and have them more or less match my skin.

I repeatedly forgot each of the realizations on this list until I wrote it down. For me, white privilege has turned out to be an elusive and fugitive subject. The pressure to avoid it is great, for in facing it I must give up the myth of meritocracy. If these things are true, this is not such a free country; ones's life is not what one makes it; many doors open for certain people through no virtues of their own. These perceptions mean also that my moral condition is not what I had been led to believe. The appearance of being a good citizen rather than a troublemaker comes in large part from having all sorts of doors open automatically because of my color.

A further paralysis of nerve comes from literary silence protecting privilege. My clearest memories of finding such analysis are in Lillian Smith's unparalleled Killers of the

Dream and Margaret Andersen's review of Karen and Mamie Fields' Lemon Swamp. Smith, for example, wrote about walking toward black children on the street and knowing they would step into the gutter; Andersen contrasted the pleasure which she, as a white child, took on summer driving trips to the south with Karen Fields' memories of driving in a closed car stocked with all the necessities lest, in stopping, her black family should suffer "insult, or worse." Adrianne Rich also recognizes and writes about daily experiences of privilege, but in my observation, white women's writing in this area is far more often on systemic racism than on our daily lives as light-skinned women.[2]

In unpacking this invisible knapsack of white privilege, I have listed conditions of daily experience which I once took for granted, as neutral, normal, and universally available to everybody, just as I once thought of a male-focused curriculum as the neutral or accurate account which can speak for all. Nor did I think of any of these perquisites as bad for the holder. I now think that we need a more finely differentiated taxonomy of privilege, for some of these varieties are only what one would want for everyone in a just society, and others give license to be ignorant, oblivious, arrogant, and destructive. Before proposing some more finely-tuned categorization, I will make some observations about the general effects of these conditions on my life and expectations.

In this potpourri of examples, some privileges make me feel at home in the world. Others allow me to escape penalties or dangers which others suffer. Through some, I escape fear, anxiety, or a sense of not being welcome or not being real. Some keep me from having to hide, to be in disguise, to feel sick or crazy, to negotiate each transaction from the position of being an outsider or, within my group, a person who is suspected of having too close links with a dominant culture. Most keep me from having to be angry.

I see a pattern running through the matrix of white privilege, a pattern of assumptions which were passed on to me as a white person. There was one main piece of cultural turf; it was my own turf, and I was among those who could control the turf. I could measure up to the cultural standards and take advantage of the many options I saw around me to make what the culture would call a success of my lie. My skin color was an asset for any move I was educated to want to make. I could think of myself as "belonging" in major ways, and of making social systems work for me. I could freely disparage, fear, neglect, or be oblivious to anything outside of the dominant cultural forms. Being of the main culture, i could also criticize it fairly freely. My life was reflected back to me frequently enough so that I felt, with regard to my race, if not to my sex, like one of the real people.

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[2] Andersen, Margaret, "Race and the Social Science Curriculum: A Teaching and Learning Discussion." Radical Teacher, November, 1984, pp. 17-20.
Smith, Lillian, Killers of the Dream, New York, 1949.

Whether through the curriculum or in the newspaper, the television, the economic system, or the general look of people in the streets, we received daily signals and indications that my people counted, and that others either didn't exist or must be trying, not very successfully, to be like people of my race. We were given cultural permission not to hear voices of people of other races, or a tepid cultural tolerance for hearing or acting on such voices. I was also raised not to suffer seriously from anything which darker-skinned people might say about my group, "protected," though perhaps I should more accurately say prohibited, through the habits of my economic class and social group, from living in racially mixed groups or being reflective about interactions between people of differing races.

In proportion as my racial group was being made confident, comfortable, and oblivious, other groups were likely being made inconfident uncomfortable, and alienated. Whiteness protected me from many kinds of hostility, distress, and violence, which I was being subtly trained to visit in turn upon people of color.

For this reason, the word "privilege" now seems to me misleading. Its connotations are too positive to fit the conditions and behaviors which "privilege systems" produce. We usually think of privilege as being a favored state, whether earned, or conferred by birth or luck. School graduates are reminded they are privileged and urged to use their (enviable) assets well. The word "privilege" carries the connotation of being something everyone must want. Yet some of the conditions I have described here work to systemically overempower certain groups. Such privilege simply confers dominance, gives permission to control, because of one's race or sex. The kink of privilege which gives license to some people to be, at best, thoughtless and, at worst, murderous should not continue to be referred to as a desirable attribute. Such "privilege" may be widely desired without being in any way beneficial to the whole society.

Moreover, though "privilege" may confer power, it does not confer moral strength. Those who do not depend on conferred dominance have traits and qualities which may never develop in those who do. Just as Women's Studies courses indicate that women survive their political circumstances to lead lives which hold the human race together, so "under-privileged" people of color who are the world's majority have survived their oppression and lived survivors' lives from which the white global minority can and must learn. In some groups, those dominated have actually become strong through not having all of these unearned advantages, and this gives them a great deal to teach the others. Members of so-called privileged groups can seem foolish, ridiculous, infantile or dangerous by contrast.

I want, then to distinguish between earned strength and unearned power conferred systemically. Power from unearned privilege can look like strength when it is in fact permission to escape or to dominate. But not all of the privileges on my list are inevitable damaging. Some, like the expectation that neighbors will be decent to you, or that your race will not count against you in court, should be the norm in a just society and should be considered as the entitlement of everyone. Others, like the privilege not to listen to less powerful people, distort the humanity of the holders as well as the ignored groups. Still others, like finding one's staple foods everywhere, may be a function of being a member of a numerical majority in the population. Others have to do with not having to labor under pervasive negative stereotyping and mythology.

We might at least start by distinguishing between positive advantages at all but simply part of the normal civic and social fabric, and negative types of advantage which unless rejected will always reinforce our present hierarchies. For example, the positive "privilege" of belonging, the feeling that one belongs within the human circle, as Native Americans say, fosters development and should not be seen as a privilege for a few. It is, let us say, an entitlement which none of us should have to earn; ideally, it is an unearned entitlement. At present, since only a few have it, it is an unearned advantage for them. The negative "privilege" which gave me cultural permission not to take darker-skinned Others seriously can be seen as arbitrarily conferred dominance and should not be desirable for anyone. This paper results from a process of coming to see that seem of the power which I originally say as attendant on being a human being in the U.S. consisted in unearned advantage and conferred dominance, as well as other kinds of special circumstance not universally taken for granted.

In writing this paper I have also realized that white identity and status (as well as class identity and status) give me considerable power to choose whether to broach this subject and its trouble. I can pretty well decide whether to disappear and avoid and not listen and escape the dislike I may engender in other people through this essay, or interrupt, take over, dominate, preach, direct, criticize, or control to some extent what goes on in reaction to it. Being white, I am given considerable power to escape many kinds of danger or penalty as well as to choose which risks I want to take.

There is an analogy here, once again, withe Women's Studies. Our male colleagues do not have a great deal to lose in supporting Women's Studies, but they do not have a great deal to lose if they oppose it either. They simply have the power to decide whether to commit themselves to more equitable distributions of power. They will probably feel few penalties whatever choice they make; they do not seem, in any obvious short-term sense, the ones at risk, though they and we are all at risk because of the behaviors which have been rewarded in them.

Through Women's Studies work I have met very few men who are truly distressed about systemic, unearned male advantage and conferred dominance. And so one question for me and others like me is whether we will be like them, or whether we will get truly distressed, even outraged, about unearned race advantage and conferred dominance and if so, what we will do to lessen them. In any case, we need to do more work in identifying how they actually affect our daily lives. We need more understanding of the ways in which white "privilege" damages white people, for these are not the same ways in which it damages the victimized. Skewed white psyches are an inseparable part of the picture, though I do not want to confuse the kinds of damage done to the holders of special assets and to those who suffer the deficits. Many, perhaps most, of our white students in the U.S. think that racism doesn't affect them because they are not people of color; they do not see "whiteness" as a racial identity. Many men likewise think that Women's Studies does not bear on their own existences because they are not female; they do not see themselves as having gendered identities. Insisting on the universal effects of privilege systems, then, becomes one of our chief tasks, and being more explicit about the particular effects in particular contexts is another. Men need to join us in this work.

In addition, since race and sex are not the only advantaging systems at work, we need to similarly examine the daily experience of having age advantage, or ethnic advantage, or physical ability, or advantage related to nationality, religion, or sexual orientation. Prof. Marnie Evans suggested to me that in many ways the list I made also applies directly to heterosexual privilege. This is a still more taboo subject than race privilege.: the daily ways in which heterosexual privilege makes married persons comfortable or powerful, providing supports, assets, approvals, and rewards to those who live or expect to live in heterosexual pairs. Unpacking that content is still more difficult, owing to the deeper imbeddedness of heterosexual advantage and dominance, and stricter taboos surrounding these.

But to start such an analysis I would put this observation from my won experience: The fact that I live under the same roof with a man triggers all kinds of societal assumptions about my worth, politics, life, and values, and triggers a host of unearned advantages and powers. After recasting many elements from the original list I would add further observations like these:

1. My children do not have to answer questions about why I live with my partner (my husband).

2. I have no difficulty finding neighborhoods where people approve of our household.

3. My children are given texts and classes which implicitly support our kind of family unit, and do not turn them against my choice of domestic partnership.

4. I can travel alone or with my husband without expecting embarrassment or hostility in those who deal with us.

5. Most of the people I meet will see my marital arrangements as an asset to my life or as a favorable comment on my likability, my competence, or my mental health.

6. I can talk about the social events of a weekend without fearing most listeners' reactions.

7. i will feel welcomed and "moral" in the usual walks of public life, institutional, and social.

8. In many contexts, I am seen as "all right" in daily work on women because I do not live chiefly with women.

Difficulties and dangers surrounding the task of finding parallels are many. Since racism, sexism, and heterosexism are not the same, the advantaging associated with them should not be seen as the same. In addition, it is hard to disentangle aspects of unearned advantage which rest more on social class, economic class, race religion, sex and ethnic identity than on other factors. Still, all of the oppressions are interlocking, as the Combahee River Collective statement of 1977 continues to remind us eloquently. [3]

One factor seems clear about all of the interlocking oppressions. They take both active forms which we can see and embedded forms which as a member of the dominant group one is taught not to see. In my class and place, I did not see myself as racist because I was taught to recognize racism only in individual acts of meanness by members of my group, never in invisible systems conferring unsought racial dominance on my group from birth. Likewise, we are taught to thin that sexism or heterosexism is carried on only through individual acts of discrimination, meanness, or cruelty towards women, gays, and lesbians, rather than in invisible systems conferring unsought dominance on certain groups. Disapproving of the systems won't be enough to change them. I was taught to think that racism could end if white individuals changed their attitudes; many men think sexism can be ended by individual changes in daily behavior toward women. But a man's sex provides advantage for him whether or not he approves of the way which dominance has been conferred on his group. A "white" skin in the United States opens many doors for whites whether or not we approve of the way dominance has been conferred on us. Individual acts can palliate, but cannot end, these problems. To redesign social systems we need first to acknowledge their colossal unseen dimensions. The silences and denials surrounding privilege are the key political tool here. They keep the thinking about equality or equity incomplete, protecting unearned advantage and conferred dominance by making these taboo subjects. Most talk by whites about equal opportunity seems to me now to be about equal opportunity to try to get into a position of dominance while denying that systems of dominance exist.

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[3] "A Black Feminist Statement," The Combahee River Collective, pp. 13-22 in Hull, Scott, Smith, eds., All the Women are White, All the Blacks are Men, but some of us are Brave: Black Women's Studies. The Feminist Press, 1982.

It seems to me that obliviousness about white advantage, like obliviousness about male advantage, is kept strongly inculturated in the United States so as to maintain the myth of meritocracy, the both that democratic choice is equally available to all. Keeping most people unaware that freedom of confident action is there for just a small number of people props up those in power, and serves to keep power in the hands of the same groups that have most of it already. Though systemic change takes many decades, there are pressing questions for me and I imagine for some others like me if we raise our daily consciousness on the perquisites of being light-skinned. What will we do with such knowledge? As we know from watching men, it is an open question whether we will choose to use unearned advantage to weaken hidden systems of advantage, and whether we will use any of our arbitrarily-awarded power to try to reconstruct power systems on a broader base.

I have appreciated commentary on this paper from the working Papers Committee of the Wellesley College Center for Research on woman, from members of the Dodge seminar, and from many individuals, including Margaret Andersen, Sorel Berman, Joanne Braxton, Johnnella Butler, Sandra Dickerson, Marnie Evans, Berly Guy-Sheftall, Sandra Harding, Eleanor Hinton Hoytt, Pauline Houston, Paul Lauter, Joyce Miller, Mary Norris, Gloria Oden, Beverly Smith, and John Walter.

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June 21, 1989

To: Users of the White Privilege and Male Privilege paper for course assignments, classroom discussions, and racism workshops.

From: Peggy McIntosh, Wellesley College Center for Research on Women, author of "White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences Through Work in Women's Studies" (Center Working Paper #189)

Subject: Notes and Topics for Further Reflection on White Privilege and Male Privilege

In March, 1989, Brenda Montgomery invited me to be on her Chicago radio talk show to discuss this paper. She is an Afro-American woman with an Afro-American audience. She read the list of 46 aspects of privilege aloud on the air, and we spent 70 minutes discussing them and talking with callers, rather than the originally allotted 20 minutes. Response was very positive.

Brenda Montgomery said at one point, "With these attitudes, whites turn into Teflon people. Nothing sticks; it all just rolls off them." I said, "But the thing is, the things on the list are not attitudes. They are not conscious." Listening, later, I began to hear that many black friends use the word "attitude" in a different way than I do. They use it to refer to something deep, generalized, and usually unacknowledged. "She has an attitude." But they also seem sometimes to use it to refer to something they wish the holder would recognize and work on. The difference in usage may come from blacks' cultural experience of dealing with invisible or unconscious racism so much of the time. Joyce Miller of Bryn Mawr College has pointed out to me that two researchers who do work in this area have given the name of "aversive racism" to this kind of deep and unacknowledged feeling which is quite at odds with the holder's conscious attitudes, and which leads to behavior which is quite at odds with a person's conscious intentions and understanding of what she or he is doing. (See References.)

A black woman said she was glad to hear me "working on my own people," because if she said these things about white privilege, she would be seen as militant. Try saying five of these things on the list aloud, imagining that you are a person of color talking about white privilege. Imagine how you would be seen or heard by Caucasian friends or colleagues. Would you be seen and heard as militant? If so, ask yourself whether you have ever formed or created a climate in which a person of color enumerating white privileges can have as much credibility and appear as rationally analytical as a white person doing so. Do you create such a climate?

A black man said that everything on the list was obvious, and that I was rather naive in thinking that it wasn't. It was obvious to him, but not to me. The list was very hard for me to compile. This situation reminds me of the way in which I assume that white men know they are privileged, whereas they seem oblivious, and we are made to tiptoe around rather than mention in their presences the bald existence of patriarchy, which most of them will go to their graves denying.

When the caller said that the existence of white privilege was obvious, this reminded me also of research which reports that whites think blacks in the U.S. are doing well, while blacks say they are not. Those in a privileged group are educated to oblivion about what it is like for others, especially for others who have to be in their presences. This point may seem obvious, but it is not obvious in the white public domain, and this caller made that clear to me with a new force. What I would add, that he perhaps did not realize, is that a deep politics reinforced by taboos keeps "the obvious" from being seen by those who have been awarded most power in this culture. We are kept ignorant about white privilege and are ignorant about this ignorance.

A black man disagreed with my statement that the privilege of whites is unearned. He said whites earn it through white supremacy. "That's the rules of the game -- white supremacists get it all." A few minutes later, this caller asked me whether I thought some of us (i.e. some of my race) were a little bit less white supremacist than others. His assumption was that all whites are white supremacists.

I do not like this assumption, but I have to take it seriously because it parallels my perception that all white men are "patriarchal" in habits of mind and behavior because of the cultural structures they are born in, though some of them are indeed "less patriarchal than others." "White supremacist" is a label I had associated before only with those who say that white people are superior and should control others. Yet white men who do not explicitly say they are superior, or that they should control women, usually just go ahead and accept whatever unearned public and private power they are given. They seem to me to embody and enact patriarchy, however non-sexist they may seem to themselves to be. I can therefore see how whites can be seen as white supremacist. White women and men can think they are decent, fair, open, "sympathetic," while being seen as white supremacist, unless we have explicitly disowned or worked against inherited racial systems, and the look of superiority which privilege systems allow us. Then we may seem "a little bit less white supremacist" than others.

A black woman who is listed in the Acknowledgments section to the paper says that the list is fine as far as it goes, and that what she experiences beyond the world touched by the list is a whole lot of other suffering I don't have a chance to see. I understand this and urge all readers to add further examples from their observations.

I also urge readers to make their own lists based on their own daily contexts and experiences; this one is specific to my own circumstances, among my friends and colleagues in this particular place and time.

A white male caller said, "Race is not the issue," and told us that he was discriminated against because of his long white beard. "All difference brings discrimination." The talk show host thanked him and cut him off without much further comment. If you had decided to answer him, what would you have said?

One caller said that the class system was at the heart of the list, and that I was talking chiefly about class privilege. Consider this, in reference to points on my list, or on your own.

A Jewish woman said that she feels that as a Jewish woman she cannot count on many of the elements of privilege which I list. Consider differences between Jewish and Black experience, and similarities.

An editor wrote to me saying that it was useful to have "blunt writing about racism." I wrote back to say that I wasn't exactly doing "blunt writing about racism." Then a white woman in Los Angeles said I had explained "subtle male bias" to her, and this comment, too, disconcerted me. Both comments seem to overlook the elements of unearned privilege, invisibility, and oblivion which I emphasize. Another recent disjunction: a columnist in Los Angeles quoted the part about the "invisible knapsack," but only in reference to male privilege; she omitted all mention of race privilege. Either I have not been clear about what I am saying, or my main points are very hard for these white readers to accept, or both.

A white Jewish male friend said that he thought my list clouded the topic by jumbling together situations in which there is an absence of discrimination with situations in which there is an actual presence of white privilege. No woman of color to whom I have recounted this criticism has granted this difference, nor do I. But I have found it useful to think about his comment, for he is a thoughtful feminist man. As I think about his distinction, and realize I cannot agree to it, this clarifies the subject, and correlates indirectly with the recent Supreme Court decisions which leave a huge burden on individuals to prove they were intentionally and specifically discriminated against. My colleague wants to distinguish between conditions which give specific advantages to whites and those which simply have whiteness as the cultural norm.

A member of the Bird Clan of the Cherokee Nation, Brenda Collins, says that Caucasian women should never say to women of other races, "I know just how you feel." What might Caucasian women do that makes more sense?

The Boston Globe on June 8, 1989 reported that the Massachusetts Board of Regents of Higher Education had voted to "prohibit racism" in the Massachusetts higher education system. But it is not possible to simply "prohibit racism" the way you can, say, "prohibit smoking." Racism is both like an individual's smoke-producing action and like the whole system that produces every kind of air pollution breathed by all of us. How do we go about thinking about and working to change a whole set of systems which produce air pollution? And how do we manage to change understanding of what racism is, to the point where no one thinks you can simply prohibit it? I think we need to say that after all these centuries of white privilege, no one can simply declare white privilege prohibited, starting today. But first, we need public and private awareness that white privilege exists.

A white woman has written to me about the privilege system: "It is very

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hard to give up anything once the system is working for you." Yes. But also there are rewards for making good on what we say are our ideals. Within your life circumstances, how can those of you who are reading these questions use power to share power, or use privilege to dismantle privilege systems? Is it possible to arrive at some two or three ways in which each, or all, can see, speak, or act in such ways? and involve their institions in doing so?

Can Caucasian people understand that so-called privilege can be a deficit status? I have a black friend who said to me once, "I wouldn't want to be white if you paid me five million dollars." Can whites learn to understand that they are not "models"?

Can white Americans learn that their versions of things are not international models? One listener has suggested that we should make lists like this about "the ugly American," living off unearned colonizers' power. We are not the only ones who do this, nor do we do it in all situations, but the comparison is valid.

Many groups traditionally committed to "service" have requested permission to use this paper: church groups, the Junior League, and the Women's International League for Peace and Freedom. Church councils include Episcopal, Quaker, Unitarian-Universalist, and Lutheran. I think certain white people who had thought of themselves as "good" are able to be more reflective about the conditions surrounding their apparent virtue if they look at this kind of list.

But also the list has been useful to black students in the classes of Prof. Beverly Guy-Sheftall, who uses the paper in a sophomore course, at traditionally black Spelman College in Atlanta, Georgia. Dr. Sheftall reports that paradoxically, discussion of the points on my list brings many black students to their first understanding of what their parents and grandparents had been talking about as "institutionalized racism." Many of these students entered Spelman College saying, as so many 17 year-old white female students say, "I've never been discriminated against."

This account and analysis of privilege, then, is useful both for those whose groups have been given permission to dominate, and those whose groups have not been given such permission.

I would welcome responses and further comment from readers of this paper.

REFERENCES

Gaertner, S. L. & Dovidio, J.F. (1981) "Racism among the well-intentioned." In E.G. Clausen & B.J. Bermingham (Eds.), Pluralism, Racism, and Public Policy: The Search for Equality, (pp. 208-222). Boston: G.K. Hall.

Gaertner, S.L. & Dovidio, J.F. (1986) "The Aversive Form of Racism." In J.F. Dovidio & S.L. Gaertner (Eds.), Prejudice, Discrimination, and Racism, (pp. 61-89) Orlando, FL: Academic Press, Inc.

3.1.2 ACADEMIC FREEDOM - SWORD OR SHIELD?

A Discussion Paper

by Naomi Z. Levine, B.A., M. A., LL.B.
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With the rise of anti-harassment policies and the increasing concern for a respectful workplace, academe is being forced to review the parameters of academic freedom. In particular, the concept of academic freedom is being weighed against the obligation not to offend, and the result is a clash between the philosophical basis of the precepts of academic freedom versus the pragmatic reality of attempting to use academic freedom as a defense to a charge of harassment.

Since 1945, the established Canadian tradition of academic freedom has been considered to have four distinct elements:

1. the freedom to teach without constraint by prescribed doctrine or ideology;
2. the freedom to carry out research without constraint by prescribed doctrine or ideology;
3. the freedom to publish the results of such research;
4. the freedom to speak extramurally.

These rights of academic pursuit have been protected primarily through the establishment of the tenure system, which safeguards the academic from being removed from the university as a result of her/his expression of views which may conflict with those of the university establishment.

There are, however, other conflicts which affect the notion of academic freedom, and those are the conflicts between the "rights" of academic freedom and its "obligations."

1. RIGHTS:

- to speak
- to provoke
- to stimulate
- to present opinions
- to expose hateful views
- to express biases

2. OBLIGATIONS:

- not to offend
- to protect the fiduciary relationship to students as mentor to protege
- to be perceived as representing the university (as its agent)
- not to willfully promote hatred
- not to defame
- not to harass

Although the concept of academic freedom has been accepted by faculty as the sine qua non of pedagogical stimulation, the concept has no protection under the civil law, or in case precedent, in Canada. Pierre-Yves Boucher, who, in 1991, was the Executive Vice-President of the Association for Universities and Colleges in Canada, in offering evidence in an arbitration between the University of Manitoba Faculty Association and the University of Manitoba said:

> In my opinion, academic freedom was never intended to and does not cover normal social conversation carried out by a member of the academic community and it does not protect against impolite or boorish attitudes in expressing even those results of research that are protected by academic freedom. Members of the academic community are representative of that community and the institutions to which they are attached. The institution can protect its legitimate interests by pointing out to a member of the academic staff conduct which is not conducive to the normal interchange of the academic community and the community that surround it, even though it is also bound to protect the scholar's right to say what he or she has said. (p. 23 of the Arbitration Report, by arbitrator Perry Schulman (as he then was), Feb. 11, 1991)

It should be noted, however, that in the United States, there has been judicial reinforcement of the right to academic freedom...

A leading case is called Sweezy v. New Hampshire ((1957) 354 US, 234), in which the issue was the compulsion of a professor's testimony by a New Hampshire Legislative Committee during a period in which the government's pursuit of alleged subversives was zealous. In that case, Chief Justice Warren said: "The essentiality of freedom in the community of American Universities is almost self-evident...to impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our nation." ("Academic Freedom for Universities," by David W. Leslie, The Review of Higher Education, 1986, Vol. 9, No. 2, pp. 135-157.)

In a subsequent case, Dinnan v. Board of Regents, University System of Georgia

((1981) 661 F. 2D 426), the American court imposed limitations of academic freedom, stating that academic freedom cannot be used as a defense where some super-ordinate individual right is at stake - in this case, the right to be free from discriminatory treatment. (David W. Leslie's Article, p. 144)

More currently, in the continuing case of Jeffries v. Harleston, Leonard Jeffries Jr., Chair of the Black Studies Department at City College of the City University of New York City (CUNY), was fired because he had delivered a highly publicized speech that was anti-white and anti-semitic. He sued, arguing his first amendment rights of free speech. The U.S. District Court reinstated him and awarded him damages. Judge Conboy stated, however, that Prof. Jeffries could have properly disciplined if the college could have shown that his speech hampered the effective and efficient operation of the college (e.g., discouraging donations made to the college). (Referred to in "The First Amendment is not Essential to Scholarly Excellence; The Chronical of Higher Education, September 21, 1994.)

Eventually, CUNY asked The Supreme Court to consider "whether the first amendment compels a university to retain, in a position of leadership, a person who has engaged in hate speech". In late 1994, the court determined that CUNY should have a second chance to show that the demotion which Jeffries had been given (by way of discipline) did not violate the constitution. In making this determination, the court referred to its earlier decision in a hospital case - Walters v. Churchill. In that decision, the court held that the government "...can restrict the speech of its own employees..." It added:

> When someone paid a salary so that she will contribute to an agency's effective operation says things that detract from the agency's effective operation, the government employer must have some power to restrain her. (reported in "Perspective - "The Campus Legal Monthly," Jan. 1995, Vol. 10, No. 1, pp 2-3)

The institutional enshrining of academic freedom by the Americans was confirmed in a case called Bakke v. Regents of the University of California ((1978) 438 US 265). At issue was the legal ability of the University of California's Davis Campus to use racial and other criteria in making admission decisions. The court first established the legitimacy of the university's objective, which was the attainment of a diverse campus. The court then went on to weigh the application of racial criteria against the candidate's right to be treated in a non-racial fashion. Justice Powell, writing the majority decision, said: "Academic freedom, though not a specifically enumerated constitutional right, long had been viewed as a special concern of the First Amendment." ("Academic Freedom for Universities," by David W. Leslie, In the Review of Higher Education, 1986, v. 9, No. 2, pp 135-157)

On the issue of speech which promotes hatred, a leading case in the states, Chaplinski v. New Hampshire (315 U.S. 568, 571-2; 62 "Fighting Words"). The court held:

> ...it is well understood that the right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or "fighting" words - those which by their very utterance inflict injury or tend to an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight societal value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.

In later jurisprudence, however, the Court of Appeals discounted the "Infliction of Injury" part of the Chaplinsky case as a valid reason for regulating speech.

In Canada, there is no "entrenchment" of the right to academic freedom. It is, of course, true that collective agreements between the universities and the faculty unions may have elaborate clauses regarding the sanctity of academic freedom, but the law is clear that no one may enter into a contract which is illegal. To the extent that human rights or criminal code legislation have priority over any contract, it may be said that the terms of a collective agreement apply only in so far as they don't contravene the law of the land.

Widely respected and even worshipped though academic freedom may be, the fact remains that faculty, like all members of society, must be mindful of the effect of their words and are just as vulnerable as anyone else to the charge of harassment, whether it be of a discriminatory nature (i.e. prohibited by human rights legislation), whether it be non-human rights specific (emotional abuse in the workplace), whether it be the willful promotion of hatred, which is contrary to the Canadian Criminal Code (s. 319 (2)), or whether it be defamatory. Academic freedom cannot be a code for legitimizing emotional abuse in the classroom.

It should be noted, however, that s. 319 (2) of the Canadian Criminal Code does provide defences to a charge of willfully promoting hatred, i.e. if the accused can show that the statements communicated were true; if, in good faith, the accused tried to establish by argument an opinion on a religious subject; if the statements were relevant to any public interest and the discussion was for the public benefit or if, in good faith, the accused intended to point out, for the purpose of removal, matters which would produce feelings of hatred towards an identifiable group.

With respect to the Law of Defamation, the defendant may show that the statement is true, or that the plaintiff consented to its publication.

When trying to apply Canadian law in the realm of academic freedom, a number of questions must be asked:

1. Does academic freedom guarantee financial assistance for the purpose of promoting research into areas which may conflict with establishment views?
2. Is academic freedom available to students?
3. Is academic freedom a prerogative only of tenured (as opposed to non-tenured) faculty?
4. Does academic freedom guarantee the right to publish?
5. Does academic freedom extend beyond university borders, i.e. what responsibility do faculty have extramurally?
6. How far can faculty go before the free expression of their views begins to poison the classroom environment?
7. Do students, when they register for a course, waive their rights to be protected from offensive or harassing language or from academic expressions which may be tantamount to the willful promotion of hatred?
8. What happens when a charge of harassment, brought against an academic by a student (or a colleague) is defended by academic freedom?
9. If faculty are considered to be in a fiduciary relationship with their students, are they then obliged to protect those students from language or behaviour which might cause distress?
10. Are faculty the only members of society who claim special privilege with regard to the free expression of provocative ideas?
11. Does a multicultural university affect the implementation of academic freedom?
12. What is the difference between a finding of harassment and censorship?
13. What about "special" disciplines, e.g. theatre, bible studies, mythology, journalism, criminology, race relations, etc.?

CASE EXAMPLES:

1. Professor Phillipe Rushton, 1989, University of Western Ontario

In 1989, Professor Rushton, rejecting advice from superiors who requested that he not do so, appeared on a well-publicized American television program and made statements to the effect that genetic science showed that black people are inferior to whites and Asians. Such statements were obviously very offensive to the black community.

The Premier of Ontario demanded that Professor Rushton be fired and the London City Council censured the university. The president of the university defended on the grounds of academic freedom and Professor Rushton's right to make the statement. The university provost stated that Professor Rushton would not be fired, suspended or disciplined.

The matter was addressed by the Council of Ontario Universities which, on March 8, 1989, issued a statement on academic freedom and its attendant responsibilities. The statement includes the following:

"Concerning the validity of Professor Rushton's published and orally communicated research findings and theories, COU (Council of Ontario Universities) considers it no dereliction of responsibility to leave this evaluation to the judgement of those individuals--colleagues at Western, peers in other universities, similarly qualified independent researchers, who are competent to provide commentary and, if appropriate, criticism...

Prominent among (our beliefs) is our respect for the human dignity of all members of our community, regardless of race, creed, gender or other factors. Council applauds the Senate Statement on Racism. While defending Professor Rushton's academic freedom and encouraging his peers to subject his work to the rigorous scrutiny due all research, the Council deplores the insensitivity and absence of social responsibility that has accompanied Professor Rushton's statements and informed his vocabulary. (quoted in Arbitrator Schulman's report, Feb. 11, 1991, p. 33)

A pivotal question arising from this case is whether the university should reconsider having on faculty a professor who is so grossly insensitive and who has such an absence of social responsibility. While one might not advocate the need for "character testing" before a professor is allowed to teach, the allowing of this form of anti-social comment could well suggest that any sociopath who has a Ph. D. and who has published can teach at any Canadian university. It must be recognized that faculty act in a fiduciary relationship vis-a-vis their students and that they have the responsibility to shape the minds of their students.

2. Assistant Professor Matin Yaqzan, (1993), University of New Brunswick

In November, 1993, Assistant Professor Yaqzan published an article in The Brunswickian, the student newspaper for UNB. In that article, Yaqzan discussed "date rape", and made statements such as...

"For those entering a university, the co-ed residences may be helpful, but they do not provide an opportunity for sexual gratification for all the male students, and therefore, the reason and the need for the so-called 'date rape'."

and...

"It is obvious that a girl who has had sexual intercourse with a large number of boys would not suffer as a result of an unwanted sexual encounter to the same degree as a girl from (sic) whom it might be the first sexual experience. True, she might not be in the mood or might find the act less than satisfying, but it would have to be far less traumatic than for a girl in the past who was a virgin. Today's girl has the added security that an abortionist would be only too glad to relieve her of any undesired pregnancy, without a sense of guilt on the part of either."

and...

"...if a promiscuous girl becomes a victim of an unwanted sexual experience, it would be more reasonable for her to demand monetary compensation for her inconvenience or discomfort."

As a result of this article, Yaqzan was suspended and, in a very short time, forcibly retired (apparently with a full pension and pay).

In September, 1994, Alan Borovoy, Chief Counsel for the Civil Liberties Association of Canada, the opening speaker at UNB's "When Rights Collide" conference, told his audience that he found it "repugnant" that Yaqzan was sanctioned. Borovoy's views were that Yaqzan's opinions should be "debated, not disciplined", and that universities anti-harassment policies are too restrictive and do not encourage debate.

3. Professor J. Donald Silva, University of New Hampshire

> Professor Silva taught courses on technical writing and was discussing the concept of "focus". "Focus is like sex", he said, "You zero in on your subject. You seek a target. You move from side to side. You close in on the subject. You bracket the subject and center on it."
>
> Later, in illustrating the use of a simile, Silva told his class that he had given his wife a record on "how to belly dance for your husband". A brochure accompanying the record explained that "belly dancing is like jello on a plate with a vibrator under the plate."
>
> Some students charged Silva with sexual harassment, saying such sexual references made them uncomfortable. The result was that Silva was suspended for one year without pay, was required to undergo a year of professional counselling with a psychotherapist, had to reimburse the university $2000.00 to cover the cost of setting up a separate course for those students who did not want him to teach them and had to apologize in writing. (from "Guilty if Charged" by Richard Bernstein, the New York Review, Jan. 13, 1994)

Silva appealed this decision to the United States District Court for the District of New Hampshire. On September 15, 1994, the court ordered the university to reinstate Silva and enjoined the university from continuing to suspend him pending the determination of his constitutional claim. While the Judge did not rule on the merits of the case, he said that if it proceeded to trial, Silva was "likely to succeed on the merits of his first amendment claims." The court, while it recognized that "academic freedom is not a license for uncontrolled expression," concluded...

> ...the USNH sexual harassment policy as applied to Silva's classroom speech is not reasonably related to the legitimate pedagogical purpose of providing a congenial academic environment because it employs an impermissibly subjective standard that fails to take into account the nation's interest in academic freedom.

In January, 1995, "Perspective: The Campus Legal Monthly" reported that UNH had decided to settle out of court, paying Silva damages, back pay and legal fees. They also agreed to delete from the files any records of the charges or the suspension.

This case should be viewed with some caution, as the Canadian courts, unlike the Americans, have not enshrined the concept of academic freedom into our constitution. It is, however, a strong reminder of the democratic right of freedom of speech and expression and underlines the gravity of qualifying that freedom.

4. Professor Graydon Snyder, Chicago Theological Seminary, 1993

> Professor Snyder was discussing Matthew 5:27-28, in which Jesus says: "You have heard that it was said, 'You shall not commit adultery.' but I say to you that everyone who looks at a woman with lust has already committed adultery with her in his heart." Snyder went on to refer to the Talmud which differentiates between sinful acts and sinful intentions.
>
> The Talmud tells the story of a labourer working on a roof on a hot day. The work was so hard and the day so hot that he disrobed. A woman working inside the house had also taken her clothes off. A sudden wind blew the labourer off the roof. He landed on top of the woman and accidentally engaged in intercourse with her.
>
> The Talmud rules that the labourer is responsible for her medical expenses, and any wages she may have lost as a result of her injuries, but that, because he did not intend to have intercourse with her, he is not guilty of a sexual offense.
>
> A female student charged Snyder with sexual harassment, alleging that the discussion created a hostile environment. The task force reviewing the matter recommended that Snyder be formally reprimanded and that he be put on probationary standing. The Seminary recommended that he undergo therapy, and attend sexual harassment workshops (he declined) and forbade him to be alone with students. (reported in "Bible Review," Vol. X, No. 4, Aug. 1994, pp. 36-39)

There is no question that faculty must provoke and stimulate; that is a sine qua non of academic enterprise. However, the style and responsibility of that stimulation must be of concern to university administrators. If we are to accept the position of Alan Borovoy who suggests that hateful or harassing speech should be debated, then we are clinging too closely to the concept of academic freedom as a principle, and not applying that concept to the pragmatic reality of the consequences on the people who may be battered by its use. It is one thing for faculty to use "academic freedom" as a legitimate shield, to protect them from an arbitrary administration. It is a different matter if faculty use "academic freedom" as a sword to inflict wounds upon their charges. In his article, "Hate Speech", Jack B. Harrison writes:

> The myth of the marketplace holds out the belief that the man who is called "faggot" or the black woman who is called "nigger" can respond to such speech with more speech, thus contributing to the level of discourse. This idea fails to take seriously the effect of such speech on the victim as well as the significant power held by the dominant group over the subordinate group...there is speech which by its very nature and intent

> does injury to students and makes the educational process impossible. (The Journal of College and University Law, Spring, 1994, Vol. 20, No. 4, pp. 461-481)

As a question for debate, one might look at the case of Salman Rushdie, living at the risk of being exterminated by the forces of the Ayatollah, for having written Satanic Verses.

It would be of interest to ponder the fate of Rushdie, had he been a tenured professor at the time of the publishing of the novel. If so, would his Muslim students have viewed the novel as willfully promoting hatred? Would he have argued "academic freedom" as he has argued freedom of speech? Would the press have come to his defence? Would he have been censured by his university?

It should be noted that there are at least three other professions which address the issue of speech in a way which they deem to be "special"; They are the media, the judiciary and the politicians.

In reporting the news, the media adhere to the '"public's right to know", a concept which has an expansive view of the dispersing of information, often coupled with the responsibility to provoke debate and awareness. The position of the media is compatible with the position of the academic who believes that his/her responsibility to students includes the ability to provoke, to encourage the free exchange of ideas, and, in airing poisonous ideas, render them impotent.

It is interesting to watch the clash when an academic has been charged with harassment. The media, in their genius, are often able to sniff out the story of an in-process complaint (see Yaqzan, for instance), and print the story before any resolution has been reached, and without permission of the parties. One or both of the parties may be a faculty member who prefers not to have his/her name in the public forum and who has expected confidentiality. It is then that the academic (who may be defending a charge on the basis of academic freedom) suddenly realizes that his/her name is being used to provoke, just as his/her comments in the classroom may have been used to "provoke".

As for the judiciary, there has always been an acceptance of the autonomy of judges; they are never to be seen as bending to either the political or the communal will. In Canada, we protect their autonomy and independence by the appointment, rather than the election of judges, and by appealing their decisions to higher courts rather than to the politicians. It is only to those higher courts that they have been perceived to be accountable.

In recent years however, judges too have come under scrutiny for remarks made from the bench. Judges have been taken before judicial review committees for having made remarks that are deemed to have been offensive to women and to minorities. Those committees have made it clear that, while they will never attempt to interfere with the finding made by a judge, or with the sentence imposed, they will censure a judge for the manner in which he or she has dispensed the decision, i.e. for the "speech" of the decision. Judges can no longer say whatever they like with impunity. They are being trained on the use of language which satisfies the concerns of gender equity and the sensitivities of minorities.

There remains one profession which appears to be "above the law" and that is the politician who has the right to say whatever he or she likes in the Legislative Assembly or the House of Parliament. As long as the words are spoken in the chamber, the Speaker has immunity from a suit of defamation and from a charge of harassment. That this is so depends on the democratic system of government; that this is so allows for an elected hate-monger to vent his or her hateful words ("fighting words") on the public.

The multicultural community also raises concerns which have to do with freedom of speech or expression. There are many values which differ greatly from those which formed and coloured Canadian law; many in fact, which conflict with Canadian law. Yet, those "other" cultures demand the right to practise their religions and to perpetuate their culture, notwithstanding the conflict. If their cultures and religions promote hatred of others and if their behaviour towards others would be considered harassment, then they are expected to conform to Canadian law. They are required to understand and accept that their views are subject and subordinate to the Canadian "public good".

The subject of harassment is often caught on the horns of a dilemma, when it has been combined with such controversial, perplexing and volatile interests as academic freedom, the public's right to know, and the right to practice one's religion or to perpetuate one's own culture. Ultimately, what must be said is that faculty, like all other citizens, (with exception of politicians when they are in Legislative Chambers and protected by the Law of Privilege) are not above the law. As citizens, they have the right to freedom of speech. As citizens they also have to obligation to make sure that if their words are "fighting words", those words are not being used gratuitously to inflict pain.

The majority of faculty members understand, respect and cherish their responsibility to teach with dignity and with respect. Many ponder the need for "intrusive" laws, perceiving them as insulting and unnecessary. In recognition of this view, Leslie Epstein has noted: "If there are no taboos in society, there will be few in the psyche." ("Civility and its Discontents", in First Amendment Handbook, James L. Swanson, Ed. 1992/93). The right to express inherently liberates the flights of fancy lodged in the psyche; the need for taboo protects from the devils which also lurk within.

Maintaining the Tensions of Anti-Racist Education

The Transformation of Power Relations

The Doris Marshall Institute for Education and Action (Toronto)[*]

Transforming the power relations between people of colour and Aboriginal people and white society is what anti-racist education is all about. These relations permeate institutions for the direct or indirect benefit of white people. Given this goal, we at the Doris Marshall Institute (DMI) have been asking ourselves whether anti-racism has become more comfortable than it would be if it were really challenging power relations. We need to ask whether the fight against oppressive and unjust social relations in Canada has been turned merely into a book of activities, a set of steps that, in fact, changes very little.

Four tensions emerge from our discussion which we recognize as integral to anti-racist work. We outline them here as an invitation to more thinking and discussion.

Tension 1:
Different Voices, Different Views

The tensions around voice are exemplified by our very process of writing this article. The invitation to Barb, was a generous one, but problematic in several respects. First, Barb is a white woman who does not experience racism. There is a mounting, legitimate critique of white people getting the space, resources, and recognition for anti-racism work, at the expense of Aboriginal people and persons of colour who fight racism every day.

Second, racism is not experienced similarly by all members of the DMI collective. The "DMI approach" to fighting racism recognizes that as people from different racial, cultural, national, and linguistic backgrounds, we need to have different strategies for challenging racism. Any "DMI approach" must acknowledge these differences.

Anti-racist work must challenge each person to name and explore their own reasons for fighting racism, strengthen the voices and leadership of persons of colour and aboriginal persons in the fight against racism, insist that white people take responsibility for confronting racism and assist white people in this when necessary, and challenge speakers and writers to make explicit their voices and locations and what their limits and possibilities are.

Tension 2:
Transforming Power Relations

Anti-racist education is about transforming power relations in terms of who makes the key decisions as well as the values, beliefs, and ideas which constitute the organizational norms. In most Canadian organizations, including schools, colleges, and universities, the majority of people who make decisions are white. The "norms" which govern the life of these organizations are those of the dominant group in Canadian society (white Anglo-Saxon). It is when anti-racist work seeks such transformation that it comes to a grinding halt.

Anti-racist work in the education system must constantly challenge the frames through which educators and administrators explain the world and their own actions in it, address the conflict provoked when people challenge themselves and each other, and pressure those who have historically enjoyed access to power and resources to forge space for people of colour and aboriginal people to have their own share.

Tension 3:
The Past and Present of Racism

Canada's past and present have been profoundly shaped by racist forces. Effective anti-racism in schools insists on paying close attention to both the historical and current manifestations of racism, and to resistance by people of colour and aboriginal people. Following are three examples:

Immigration and refugee policy is tightening once again. Canadian governments have always tied immigration policy to a need for increased population, markets for goods, and job creation. Yet they have also been complicit in perpetrating the myth that increased immigration causes increased unemployment and other social ills. Recently, we have witnessed stunning efforts to equate society's violence with black young men and other "immigrants." Hasty reviews of rescinded deportation orders and loud calls for race-based crime statistics are an immediate threat in the lives of many Canadian children.

In a world where larger numbers of people(s) are desperately trying to escape famine and persecution, Europe, the United States, and Canada are sealing their doors. **A fractured sense of history** does not help children or adults to understand connections between past and present global injustice and the movements of peoples. As one graffiti-covered wall in Brixton, London, England put it, "We are here because you were/are there."

A growing Aboriginal voice has been developing strength. Struggles for land claims, self-government, protection of environmental resources, and an end to military testing have forced non-aboriginal Canadians to recognize the presence of the Haida, Lubicon, Cree, Innu, Objibway, and Mohawk peoples. In 1992, on the 500th anniversary of Columbus's infamous voyage, many countries celebrated the European "discovery" of America while aboriginal peoples organized to commemorate centuries of life in the Americas before European invasion and the 500 years of resistance and survival since. (On the Victoria Day weekend, 1994, while white Canadians paraded in 18th-century military garb, aboriginal demonstrators reminded revellers that this was yet another celebration of the conquest of their communities.)

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[*] The editors of *Orbit* approached Barb Thomas, one of the core members of the Doris Marshall Institute (DMI), to write an article on our approach to anti-racism education. Barb accepted *Orbit*'s invitation thinking that it could be used as an opportunity to identify the tensions in challenging racism as a mixed race group. Chris Cavanagh, Marlene Green, Tina Lopes, Alok Mukherjee, Gail Posen, and Barb Thomas participated in a taped discussion of the topic. Barb had further conversations with Jojo Geronimo and Venier Wong. She accepted the invitation to write the article, with these discussions serving as the basis.

However, when she tried to write as though we had a position, she quickly got into trouble. Barb's "draft" was then discussed by the group. Tina, Gail, and Alok agreed to prepare the final version, with Chris doing the editing. It is important to document this writing process because of what it says about attempting to project a single voice for talking about racism.

These examples and issues have a direct impact on curriculum in schools. Anti-racist education must: examine how unequal access to decision-making, resources, and health and well-being is maintained by different forms of racism; explore not only the victimization but the daily resistance to racism by peoples of colour and First Nations peoples; enable white children and adults to respect, honour, and learn from that history of resistance and to seek roles for themselves as effective allies; support First Nations children and adults, and children and adults of colour, as they continue to challenge racism individually and together; encourage individual and collective responsibility for recognizing and challenging the web of connections among racism, sexism, economic domination, ecological damage; and nourish a vision of sustainable community(ies) in which the health, well-being, contribution, and participation of all people are a priority.

Tension 4:
Creating a Different Vision

Specifically, creating a different vision means increased influence for persons of colour and aboriginal persons in decision-making and a redistribution of resources to peoples of colour and aboriginal peoples. In schools, these shifts would be seen in such areas as increased participation in decision-making by racial minority and aboriginal parents and students; increased resources for programs and services of direct benefit to children who are aboriginal or of colour; increased diversity in the voices and perspectives of curriculum writers and teachers; more knowledge and skills on the part of all children and adults to recognize and challenge injustices; employment and staffing processes which unapologetically name, target, and insist on producing more equal results; recognition processes which are less individualistic, and which acknowledge languages, leadership, and other skills required to build community; assessment and placement processes which result in the same proportion of children in different programs as exist in the population.

Emerging Questions

As social change educators challenging racism, we are developing different approaches and experimenting with different roles. What these are depends on our own social identities. From our position in the Doris Marshall Institute, we see the following as some of the questions that genuine anti-racist work must contend with. We challenge both ourselves and our readers with these questions:

- To add to the obvious question of "Who benefits from racism?" we ask: Who benefits from current efforts in anti-racism?
- Is anti-racist work ever about accommodation to existing institutional structures and practices or must it always be about transformation?
- Is anti-racism work only about equality? Does it have other goals?
- Whose responsibility is it to work for transformation? Where are the starting points?
- Is anti-racism *negative*? Is it only "against" oppression and not part of a different vision of society?
- In the histories of the struggles of people of colour, is anti-racism only a moment that will pass?

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3.2 EDUCATIONAL TOOLS

The following tools are useful in getting individuals to examine the relationships amongst power, control and personal privilege. They can be used by themselves or incorporated into a larger workshop presentation.

3.2.1 POWER FLOWER

(The Power Flower: Reflection on Our Social Identities, Barb Thomas, Doris Marshall Institute. Adapted from Lee, "Letters to Marcia", for Educating for a Change, Arnold, R., et al.)

Use it to:

- identify who we are (and who we aren't) as individuals and as a group in relation to those who wield power in our society
- establish that discrimination is a process for maintaining dominant identities

Time it takes:

- 45-60 minutes

You need:

- the power flower drawn on large paper
- photocopies of the flower to distribute to each participant
- coloured markers

How it's done:

1. Introduce the power flower, which has been drawn on large paper and placed on the wall. Together participants fill in the dominant social identity of the group on the outside circle.
2. Asking people to work with the person next to them, hand out individual flowers to each pair. Ask participants to locate themselves on the inner blank circle.

3. The groups of two post their identities on the inner circle of the large flower as soon as they are ready to do so.

4. Review the composite as a group and reflect on:

   personal location: how many factors you have as an individual that are different from the dominant identity; what factors can't be shifted, changed?

   representation: who we are as a group - and how that might influence the task/discussion at hand

   the relationship between and among different forms of oppression

   the process at work to establish dominance of a particular identity and, at the same time, to subordinate other identities.

Variations:

- Individuals fill in the inner circle of the flower before reflecting on the dominant social identity in the group.

- Using flip-chart paper, cut out large versions of the twelve different petals. Each petal should be large enough so that all participants can make an entry on it. Name each of the petals and spread them around the room. Participants circulate and record their personal identity on the inner part of the petal and the dominant identity on the outer part. Gather the petals in the centre of the room, and use as a catalyst for discussion as above.

- Use the power flower as an introduction to focus on one form of oppression. The flower was developed specifically for use in anti-racist work.

- List the words participants use to describe their own "ethnicity" and "race". Examine the two columns for differences. Use this as a take-off point for talking about race as a social construct as opposed to a scientific concept.

THE POWER FLOWER

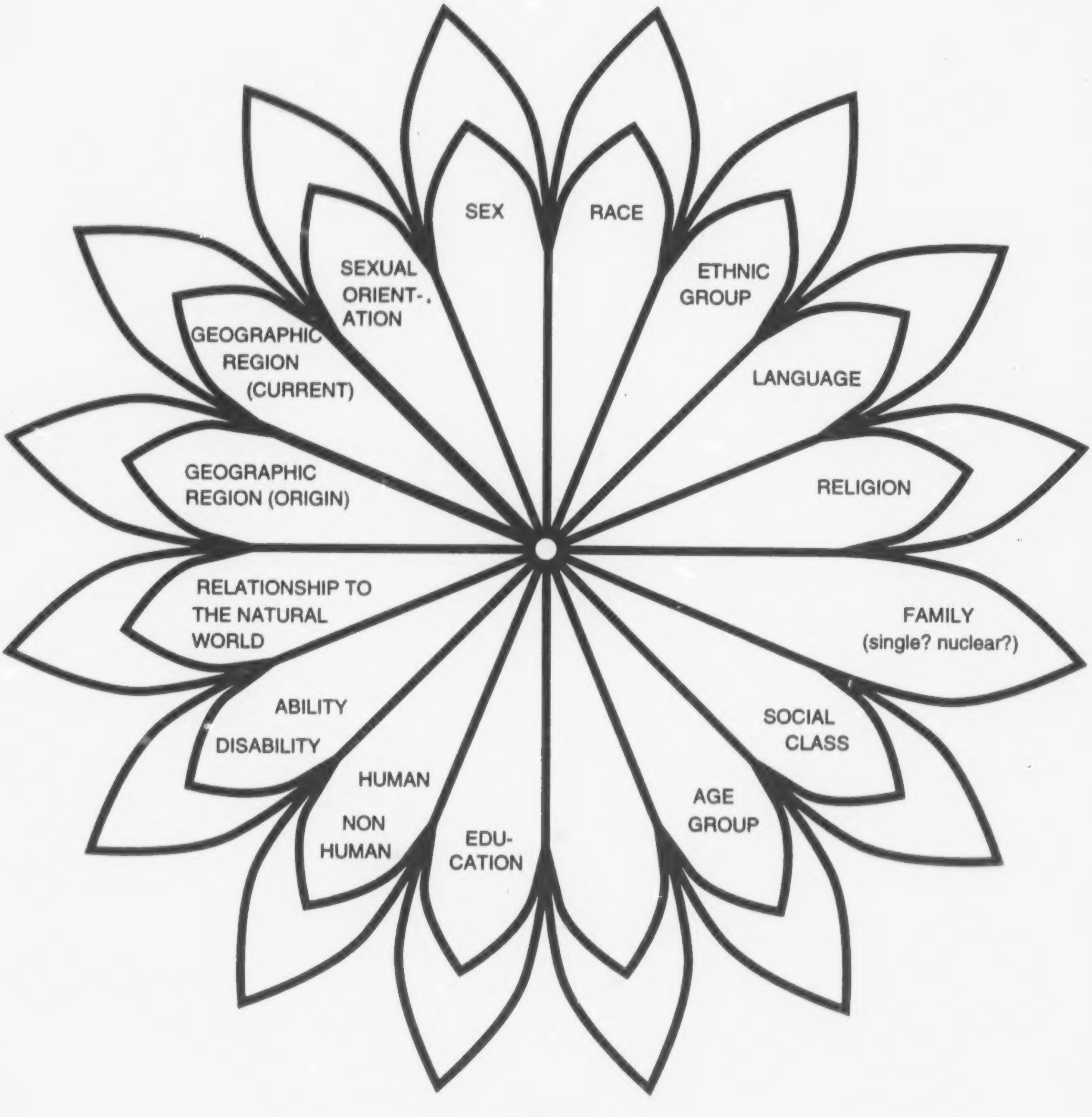
SEX
RACE
SEXUAL ORIENT-. ATION
ETHNIC GROUP
GEOGRAPHIC REGION (CURRENT)
LANGUAGE
GEOGRAPHIC REGION (ORIGIN)
RELIGION
RELATIONSHIP TO THE NATURAL WORLD
FAMILY (single? nuclear?)
ABILITY DISABILITY
SOCIAL CLASS
HUMAN NON HUMAN
AGE GROUP
EDU- CATION

Figure 3
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3.2.2. MULTICULTURALISM QUIZ

A quiz like the one which follows can be a useful tool in raising awareness about the multicultural nature of Canada as well as the history of discrimination and racism in Canada, especially among students. This particular quiz was adapted by Cathy Brown, Human Rights Advisor at Georgian College, from "Managing the Multiracial, Multicultural Classroom", a project by Algonquin College. It can be incorporated into a workshop perhaps as an introduction to the topic.

Participants in a workshop are encouraged to guess the answers to questions when they do not know the answer. When the correct answers are revealed and discussed, the guesses that participants have made are quite interesting; someone will invariably come up with the right answer (or very close) and the rest of the group will say "no way!" (i.e. the year when Native women did not forfeit their aboriginal status by marrying a non-Native). Participants find the correct answers interesting, educational and sometimes shocking. Many of the subjects are not items of information which have been brought to their attention in history classes, or have not been a part of the perspectives used in the subject area.

MULTICULTURALISM QUIZ

This quiz is only to promote discussion. If you do not know the answer, guess.

1. When was the first slave brought to Canada?
2. In what year was slavery abolished in Canada?
3. Which groups were forced to pay head taxes to enter Canada? How much was the tax?
4. In 1910, the Immigration Act formally gave the government the power to "discriminate on the basis of race by prohibiting the landing of "immigrants" belonging to any race unsuited to the climate or requirements of Canada". When was this power removed?
5. What are the seven ethnic languages most used in Simcoe County?
6. What five cultural or ethnic groups opened up the Prairies?
7. What three cultural or ethnic groups were responsible for building Canada's railways?
8. What four cultural or ethnic groups contributed to the building of Canada's cities?
9. What is the...
    - French word for quilt?
    - Malaysian word for sauce?
    - Bengalese word for house?
    - Sri Lankan word for tied wood?
    - Hindi word for massage?
10. How long has it been since Native women have been able to retain their status under the Indian Act when they marry a non-native?
11. How many Jews were allowed to immigrate between 1933 and 1945?
12. What people were wiped out in the 18th century in Canada?

MULTICULTURALISM QUIZ ANSWERS

1. 1628
2. 1834
3. Chinese; $500 per person.
4. 1978
5. In order of prevalence; English (71%), French (8%), German (4%), Dutch (3.7%), Italian (2.3%), Portuguese (1%), and Chinese (.3%)
6. French; Polish; British/Irish; Ukrainian; Hungarian
7. Chinese; Irish; Italian
8. English/British; Italian; German; Greek
9. duvet
   ketchup
   bungalow
   catamaran
   shampoo
10. 1985
11. 5,000
12. Beothuk Native People in Newfoundland

3.3 FRAMEWORKS FOR PREVENTION OF HARASSMENT AND DISCRIMINATION IN ONTARIO COLLEGES AND UNIVERSITIES

For the convenience of the reader, the full texts of the Ontario Government's Framework for the Prevention of Harassment and Discrimination in Colleges and the Framework for the Prevention of Harassment and Discrimination in Universities are reproduced in both English and French.

Framework Regarding Prevention of Harassment and Discrimination in Ontario Colleges

FRAMEWORK REGARDING PREVENTION OF HARASSMENT AND DISCRIMINATION IN ONTARIO COLLEGES

Purpose

The Government of Ontario has adopted a policy of zero tolerance of harassment and discrimination at Ontario's colleges. This document provides the institutions with a framework that sets out the required and suggested elements for institutional policies and procedures.

These elements will be used by the government in determining whether College policy and procedures will be approved by the Ministry.

Background

In June, 1992 Stephen Lewis recommended that the former Ministry of Colleges and Universities adopt, with appropriate amendment, the Council of Regents draft policy on harassment and discrimination for use across the postsecondary sector. Consultation was undertaken with postsecondary institutions from August to December, 1992 on the Council of Regents policy and existing policies and procedures. That consultation, previous consultations, research, and existing data and policies were used by the Ministry of Education and Training to formulate the policy and procedure framework that follows.

The government intends the framework to be used by institutions to review and assess their existing policies and procedures and make any needed changes. The review process is explained in more detail later in the document.

The framework reflects the Ministry's minimum expectation of the elements that will form both the process and product of institutional policy.

This document is not exhaustive. Institutions are free to go beyond it and to develop other ways of achieving the intent of the policy which best reflects their local environments.

In developing their local policy and procedures, institutions are encouraged to review best practices already present in the postsecondary system and material in the Council of Regents Harassment Task Force Report. This information will be provided to any interested stakeholder group by the Ministry.

In writing their policies and procedures, institutions will have to balance legal soundness and accessibility for users. The product should be easy to read, easy to understand, and easy to use. Those developing policies and procedures should write

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simply, clearly, and use plain language.

The government will provide $1.5M to the postsecondary sector to support the development and production of training packages, data collection models, ongoing evaluation models, an external audit model and process, the development and production of educational materials for all constituent groups and regional training and information sharing workshops.

Contents of Framework Package

1) Policy Framework for Colleges
2) Procedures Framework for Colleges
3) College Review Process

POLICY FRAMEWORK FOR COLLEGES

Policy Statement

Each policy must have a statement that sets out the goals and principles of the policy.

The central goal of the policy is zero tolerance, that is, harassment and discrimination as defined by the policy will not be tolerated by any college in its employment, educational, or business dealings.

In addition to the goal, the policy statement must include at least the following concepts:

(1) Harassment and discrimination are prohibited by the Ontario Human Rights Code.

(2) Each member of the campus community is responsible for helping to create an environment which is harassment and discrimination free as both work and learning can best be accomplished in an environment of understanding and mutual respect for the dignity and rights of each individual.

(3) The institution will ensure that each member of the campus community is aware of the institution's policy and will be proactive in undertaking an education/ prevention campaign.

(4) The institution recognizes its responsibility to deal quickly, fairly, and effectively with harassment and discrimination should it arise.

(5) The policy applies both on and off campus to all members of the college community.

(6) The rights of both the complainant and respondent must be safeguarded.

(7) Every person continues to have a right to seek assistance from the Ontario Human Rights Commission even when steps are being taken under this policy.

Institutions may also want to incorporate the preamble to the Ontario Human Rights Code in their statement of principles.

Harassment and discrimination policies and procedures should be developed in the context of other campus safety and security policies to enable a comprehensive consideration of all causes and solutions to harassment and discrimination.

Coverage: Types of Activity and Grounds

The policy will include coverage of:

(1)harassment;
(2)sexual harassment;
(3)discrimination;
(4)negative environment or climate

if they are

(1)overt (direct)
(2)indirect (differential treatment)
(3)because of association, or
(4)systemic

for all Ontario Human Rights Code Grounds: race, ancestry, place of origin, colour, ethnic origin [including language, dialect, or accent], citizenship, creed, sex, sexual orientation, disability, age (18-65), marital status, family status, the receipt of public assistance, record of provincial offenses or pardoned federal offenses. These will be referred to from now on as the "prohibited grounds".

Institutions are encouraged to broaden grounds for internal policies, as many have already done, in recognition of special circumstances.

Definitions and Examples

The definitions will include the following elements:

Harassment - one or a series of vexatious comments or conduct related to one or more of the prohibited grounds that is known or might reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile, or inappropriate.

Examples include gestures, remarks, jokes, taunting, innuendo, display of offensive materials, offensive graffiti, threats, verbal or physical assault, imposition of academic penalties, hazing, stalking, shunning or exclusion related to the prohibited grounds.

Sexual Harassment - one or a series of comments or conduct of a gender-related or sexual nature that is known or might reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile, or inappropriate.

Examples include gestures, remarks, jokes, slurs, taunting, innuendo, threats, physical, verbal, or sexual assault, unwanted physical contact, invitations, leering, the display of sexually offensive material, solicitation, demands, penalties related to sexual orientation, marital, or family status; unwanted attention, implied or express promise of reward or benefit in return for sexual favours, implied or express threat or act of reprisal if sexual favours are not given, sexual assault.

Discrimination - action(s) or behaviour(s) that results in the unfavourable or adverse treatment or preferential treatment related to the prohibited grounds.

Examples include any differential treatment. Common examples are refusal to provide goods, services or facilities, exclusion from employment or employment benefits, refusal to work with, teach, or study with someone, failure to provide physical access.

Negative Environment - one or a series of comments or conduct that creates a negative environment for individuals or groups and are related to the prohibited grounds. The comment or conduct must be of a significant nature or degree and have the effect of "poisoning" the work or study environment. A complainant does not have to be a direct target to be adversely affected by a negative environment. It includes conduct or comment that creates and maintains an offensive, hostile, or intimidating climate for study or work.

Examples include exposure to graffiti, signs, cartoons, remarks, exclusion, adverse treatment related to one or more of the prohibited grounds.

Systemic Harassment/Discrimination: policies, practices, procedures, actions or inactions, that appear neutral, but have an adverse impact associated with one of the prohibited grounds.

An example is exam schedules that conflict with important religious events.

Please note that institutions are allowed to seek exemptions from the Code to operate special programs designed to benefit disadvantaged groups or individuals. The institution may also apply existing exemptions under the Code such as the ability to set bona fide job requirements - if the requirements are essential to the performance of the job.

The policy will also cover reprisals, retaliation or threats of reprisals against anyone pursuing her/his rights under the policy, for having participated or co-operated in an investigation, or for having been associated with someone who has pursued rights or participated in the procedures, or acting in any role under the policy/procedure. Retaliation or reprisals will be treated as prohibited harassment and/or discrimination.

Coverage: Who

The policy and procedures, within the work/study environment, will apply to:

(1) academic staff
(2) non-academic staff
(3) all students
(4) members of Boards of Governors
(5) members of standing and ad hoc committees established by the institution
(6) members of societies and associations which have a direct relationship or are under the authority of the institution
(7) contractors such as those undertaking construction, provision of service or research and
(8) visitors or guests who have no ongoing connection to the institution but are on campus.

Visitors to campus will be subject to complaints if they engage in prohibited conduct. Institutions will take appropriate actions and apply appropriate remedies (e.g. barring them from campus) if harassment or discrimination is found. Each institution may choose whether such visitors should be able to initiate complaints under the institutional policy.

All contractual relationships entered into by the institution will be governed by a standard contract compliance clause that contractors must comply with the institutional policy and the Ontario Human Rights Code, including co-operating in investigations. Breach of the clause may result in penalties, cancellation, or debarment if a contractor is found in violation of the institutional policy or the Ontario Human Rights Code.

Coverage: Where

The policy statement will include coverage of incidents that occur both on and off campus. For example, harassment and discrimination that occurs on campus, off-campus, at campus-related social functions, in the course of work or academic assignments/placements off-campus, during work or academic related travel, or over the telephone would be covered.

For the institutional policy to apply there must be the potential to adversely impact on a person's work or study performance or create a poisoned work or study environment.

It is expected that incidents occurring off campus which have no or little likelihood of any impact on the work/study environment at the institution would be pursued through the regular Human Rights Commission processes or other processes.

Prevention and Education

A proactive and comprehensive education initiative, with assigned responsibility and resourcing, must be in the policy. At a minimum:

(1) Every student, employee, and contractor must receive a plain language version of the policy and procedure.

(2) Every new student, employee and contractor must receive a plain language version of the policy and procedure.

(3) Managers, supervisors, and others in authority must be made aware of their responsibilities under the policy and the Code in creating and maintaining an environment free from discrimination and harassment as well as made aware of their rights. They must also be made aware of complaint procedures and various internal and external mechanisms available.

Elements of Complaint Process

In developing or reviewing its complaint process, institutions must include the following elements:

- complainant and respondent advice & counselling including advice on external avenues of redress available (through court, human rights commission, collective agreements, etc.)
- timelines
- investigations
- informal resolution
- mediation
- formal resolution
- standard of proof (balance of probabilities since this is a civil issue)
- consequence of frivolous or vexatious complaints
- data gathering, storage, access control, analysis
- reporting
- monitoring and enforcement
- policy/procedure review.

Responsibility for each element must be clearly assigned to a specific person, office, or body.

If an internal appeal mechanism is included, specific responsibility should be indicated as well.

Timelines for bringing complaints must be specified, including timelines for bringing complaints to external bodies (e.g. six months to the Ontario Human Rights Commission with allowance for extension in some cases). The internal sectoral norm is within six months of an incident as well, with provision for extension of timelines if individual circumstances warrant an extension. Criteria for granting extensions must be clearly spelled out.

Longer timelines for bringing systemic complaints and for their resolution may be necessary. The government recognizes that a different process may be necessary to deal with systemic discrimination complaints. Alternative proposals may be made to address this issue including the option of final resolution by the Human Rights Commission.

Complaints may be found to be without merit or trivial, frivolous, vexatious, or made in bad faith. The policy must state that frivolous, vexatious, or bad faith complaints may result in sanction. The process and sanctions will be the same as for other complaints (tied to the severity of the breach and relationship of the respondent to the institution).

Regarding complaints, policies must clearly specify:

(1) The complainant will decide whether the complaint goes forward or not and can withdraw the complaint at any stage.

(2) What the informal resolution process is, how it works, who is involved in it.

(3)What mediation process exists, how it works and who is involved. Circumstances under which mediation works best should be outlined.

(4)What the formal resolution process is, how it works, and who is involved in it.

(5)If an institution chooses to have an internal appeal process, what the appeal process is, how it works, what may be appealed, and who is involved in it.

The policy must specify what costs the institution is responsible for.

Policies should clearly provide for necessary confidentiality subject to the Freedom of Information and Protection of Privacy Act and conform to requirements for fair procedures and rights to representation.

Policies should allow for the development of alternative procedures, redress and sanctions that would reflect values other than the dominant culture. Institutions should consult with on and off-campus groups and individuals who can help them devise appropriate and culturally sensitive policies and procedures. The Ministry will provide referrals to groups and agencies to interested institutions. Alternative procedures will be developed by the same process as the rest of the policies and procedures and subject to the same review process as the rest. If alternative procedures are developed, both parties must agree to their use.

Additional sources of policies and procedures for review can be found at other institutions, in the provincial government's harassment and discrimination policies and procedures and in the Council of Regents Harassment Task Force Report.

Sanctions and Redress

The policy must provide a range of sanctions which should relate to the seriousness of the breach and to the respondent's relationship with the institution. Publicizing the names of offenders must not be included as a penalty, nor should publicizing the names of those accused. If the complaint is related to work, established procedures for progressive discipline should be followed.

Examples of sanctions are verbal or written apology, written reprimand, barring contractors from future bids, barring from campus, transfer, demotion, suspension, mandatory training/education, dismissal or expulsion.

The policy must provide a range of redress options which should aim at restoring the complainant to the position she/he would have been in had the harassment or discrimination not occurred, to the extent possible. A full range of appropriate redress and remedies, depending on the relationship of the complainant to the institution, should be provided.

Examples of redress are receipt of written apology, restoration of employment position or academic status, review of marking, provision of counselling.

PROCEDURES FRAMEWORK FOR COLLEGES

Prevention and Education

The education initiative should operate on a cycle of no more than two years. The length of the cycle should be specified. The initiative should include awareness and educational activities for all relevant groups.

Every student, employee, and contractor (including new students, employees and contractors) must receive a plain language version of the policy and procedure. This could be via a letter from the President of the institution included in the normal orientation or course-related correspondence. Provision of audio-visual formats or information in languages other than English and French should be considered.

Content and delivery of the education initiative should be planned co-operatively with unions, associations, student and advocacy groups on campus. Partnerships with local community groups and advocacy groups, as well as liaison with advocacy centres in government (e.g. the Ontario Anti-Racism Secretariat) should be part of the education/prevention initiative.

Notification to Visitors and Posted Statements

Because the policy and procedure will apply to visitors, notification should be provided of the contents and coverage. This can be the same notification given to members of the institutional community via posted statements and should contain:

> the goal, who is covered, what is covered, where it is covered, examples of prohibited behaviours, a synopsis of the complaint procedure including timelines, how complaints will be handled, possible penalties, and who/what office to contact.

Posted statements should also refer to other avenues of redress including the Ontario Human Rights Commission, collective agreements, the Ombudsman of Ontario (for colleges), Occupational Health and Safety Act, Workers Compensation Act, and the criminal justice system in cases of physical or sexual assault or criminal threats/promotion of hate.

Statements should be posted in adequate numbers and visible and accessible locations so as to provide a reasonable opportunity for any member of the institutional community to have access to the information.

Elements of Complaints Process

Where complaints are found to be without merit or trivial, frivolous, vexatious, or made in bad faith, the procedure should specify that such a finding should be given in writing with supporting reasons.

Mediation

At a minimum, the institution should have mediators available who have been agreed upon by the stakeholder groups in advance. It is the choice of the parties whether mediation will be used. Mediation must be initiated by the complainant and agreed to by the respondent. Counselling should be available to both parties on the pro's and con's of mediation as a resolution process. Circumstances under which mediation works best should be outlined.

Resolution Process:

At a minimum, the procedure must provide for receipt of informal complaints by a designated contact, advice to the complainant, and an informal remedy process.

At a minimum, the procedure must provide for receipt of formal written complaints signed by the complainant, assignment of an impartial investigator to see if the complaint has merit, notification to the respondent of the complaint with a copy of the complaint, an opportunity for the respondent to reply to the allegations, rights to representation, a hearing process, notification to parties of the results, and reasonable timelines for handling each step of the complaint.

Related timelines should be specified for each step in the complaints process. Criteria used to reach decisions at each step, must be clearly specified and explained.

Costs

At a minimum, the institution must cover the costs of the structures responsible for administering the institutional policy and procedures and the costs of processing complaints (excluding legal representation for the parties).

COLLEGE REVIEW PROCESS

By March 1, 1994, each college will have completed a review of its harassment and discrimination policy and procedures using the policy and procedures framework and submitted to the Ministry the harassment and discrimination policy and procedures approved by the institution.

Colleges are to work with their local committees or groups of representatives including the formally organized constituent groups (including O.P.S.E.U. academic and support locals and student councils) to review existing policies and procedures. The committee/group will endorse the current policy/procedure or recommend changes to the Board for approval or amendment. After Board approval, all members of the committee/group will endorse or cosign the letter of transmittal to the Minister from the Board indicating their support for the contents being transmitted.

If, by March 1, 1994, the members of the committee/group are unable to reach consensus even after the efforts of the Board to assist, the Board will provide the government with a report on the lack of consensus outlining the position of the various parties. The members of the committee working on the policy must indicate to the Minister that the Board has accurately reflected their position.

The government will take appropriate steps which could include appointing a knowledgeable mediator to attempt to resolve the impasse. If, after a review the mediator is unable to resolve the impasse she/he will advise the government:

> (1) that the parties cannot reach agreement for bona fide differences of opinion. At that point the government will impose its policy and procedures or parts of it on the college; or
>
> (2) that one or more of the constituencies are unreasonably withholding their support from a policy or procedure which complies with the government framework. The existing model will then proceed to the Board for consideration without the agreement of all the constituent groups. The Board will transmit the approved policy without the support of the withholding constituent group(s); or
>
> (3) of such other steps/actions the mediator may deem helpful and/or appropriate.

By June 30 annually, each institution will submit a report with aggregate complaint and resolution data, in accordance with privacy considerations. The report will also include a brief summary of changes made to institutional policy and procedure over the past year plus any significant amendments under consideration.

The annual report will be submitted to all campus constituencies, the Ministry and the Council of Regents.

External Audit/Review

The Council of Regents will carry out an effectiveness audit of each institution's policies and procedures three years after receipt of the initial reports from institutions. They will seek the help of major client groups and external experts.

In addition to subject areas and issues to be identified, the review will examine any internal appeal processes, issues around carriage of complaints with complainants, and issues around mediation.

Framework Regarding Prevention of Harassment and Discrimination in Ontario Universities

Ontario
Ministry of Education and Training
Ministère de l'Éducation et de la Formation

FRAMEWORK REGARDING PREVENTION OF HARASSMENT AND DISCRIMINATION IN ONTARIO UNIVERSITIES

Purpose

The Government of Ontario has adopted a policy of zero tolerance of harassment and discrimination at Ontario's universities. This document provides the institutions with a framework that sets out the elements for institutional policies.

These elements will form the basis of an OCUA assessment of university policies prior to making recommendations to the Minister.

Background

In June, 1992 Stephen Lewis recommended that the former Ministry of Colleges and Universities adopt, with appropriate amendment, the Council of Regents draft policy on harassment and discrimination for use across the postsecondary sector. Consultation was undertaken with postsecondary institutions from August to December, 1992 on the Council of Regents policy and existing policies and procedures. That consultation, previous consultations, research, and existing data and policies were used by the Ministry of Education and Training to formulate the policy and procedure framework that follows.

The government intends the framework to be used by institutions to review and assess their existing policies and make any needed changes. The review process is explained in more detail later in the document.

The framework reflects the Ministry's minimum expectation of the elements that should form both the process and product of institutional policy.

This document is not exhaustive. Institutions are free to go beyond it and to develop other ways of achieving the intent of the policy which best reflects their local environments.

In developing their local policy and procedures, institutions are encouraged to review best practices already present in the postsecondary system and material in the Council of Regents Harassment Task Force Report. This information will be provided to any interested stakeholder group by the Ministry.

In writing their policies and procedures, institutions will have to balance legal soundness and accessibility for users. The product should be easy to read, easy to understand, and easy to use. Those developing policies and procedures should write simply, clearly, and use plain language.

The government will provide $1.5M to the postsecondary sector to support the development and production of training packages, data collection models, ongoing evaluation models, an external audit model and process, the development and production of educational materials for all constituent groups and regional training and information sharing workshops.

Contents of Framework Package

1) Policy Framework Universities
2) University Review Process

POLICY FRAMEWORK FOR UNIVERSITIES

Policy Statement

Each policy should have a statement that sets out the goals and principles of the policy.

The central goal of the policy should be zero tolerance, that is, harassment and discrimination as defined by the policy will not be tolerated by any university in its employment, educational, or business dealings.

In addition to the goal, the policy statement should include at least the following concepts:

(1) Harassment and discrimination are prohibited by the Ontario Human Rights Code.

(2) Each member of the campus community is responsible for helping to create an environment which is harassment and discrimination free as both work and learning can best be accomplished in an environment of understanding and mutual respect for the dignity and rights of each individual.

(3) The institution should ensure that each member of the campus community is aware of the institution's policy and should be proactive in undertaking an education/ prevention campaign.

(4) The institution recognizes its responsibility to deal quickly, fairly, and effectively with harassment and discrimination should it arise.

(5) The policy applies both on and off campus to all members of the college or university community.

(6) The rights of both the complainant and respondent should be safeguarded.

(7) Every person continues to have a right to seek assistance from the Ontario Human Rights Commission even when steps are being taken under this policy.

Institutions may also want to incorporate the preamble to the Ontario Human Rights Code in their statement of principles.

Harassment and discrimination policies and procedures should be developed in the context of other campus safety and security policies to enable a comprehensive consideration of all causes and solutions to harassment and discrimination.

Coverage: Types of Activity and Grounds

The policy should include coverage of:

(1)harassment;
(2)sexual harassment;
(3)discrimination;
(4)negative environment or climate

if they are

(1)overt (direct)
(2)indirect (differential treatment)
(3)because of association, or
(4)systemic

for all Ontario Human Rights Code Grounds: race, ancestry, place of origin, colour, ethnic origin [including language, dialect, or accent], citizenship, creed, sex, sexual orientation, disability, age (18-65), marital status, family status, the receipt of public assistance, record of provincial offenses or pardoned federal offenses. These will be referred to from now on as the "prohibited grounds".

Institutions are encouraged to broaden grounds for internal policies, as many have already done, in recognition of special circumstances.

Definitions and Examples

The definitions should include the following elements:

Harassment - one or a series of vexatious comments or conduct related to one or more of the prohibited grounds that is known or might reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile, or inappropriate.

Examples include gestures, remarks, jokes, taunting, innuendo, display of offensive materials, offensive graffiti, threats, verbal or physical assault, imposition of academic penalties, hazing, stalking, shunning or exclusion related to the prohibited grounds.

Sexual Harassment - one or a series of comments or conduct of a gender-related or sexual nature that is known or might reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile, or inappropriate.

Examples include gestures, remarks, jokes, slurs, taunting, innuendo, threats, physical, verbal, or sexual assault, unwanted physical contact, invitations, leering, the display of sexually offensive material, solicitation, demands, penalties related to sexual orientation, marital, or family status; unwanted attention, implied or express promise of reward or benefit in return for sexual favours, implied or express threat or act of reprisal if sexual favours are not given, sexual assault.

Discrimination - action(s) or behaviour(s) that results in the unfavourable or adverse treatment or preferential treatment related to the prohibited grounds.

Examples include any differential treatment. Common examples are refusal to provide goods, services or facilities, exclusion from employment or employment benefits, refusal to work with, teach, or study with someone, failure to provide physical access.

Negative Environment - one or a series of comments or conduct that creates a negative environment for individuals or groups and are related to the prohibited grounds. The comment or conduct must be of a significant nature or degree and have the effect of "poisoning" the work or study environment. A complainant does not have to be a direct target to be adversely affected by a negative environment. It includes conduct or comment that creates and maintains an offensive, hostile, or intimidating climate for study or work.

Examples include exposure to graffiti, signs, cartoons, remarks, exclusion, adverse treatment related to one or more of the prohibited grounds.

Systemic Harassment/Discrimination: policies, practices, procedures, actions or inactions, that appear neutral, but have an adverse impact associated with one of the prohibited grounds.

An example is exam schedules that conflict with important religious events.

Please note that institutions are allowed to seek exemptions from the Code to operate special programs designed to benefit disadvantaged groups or individuals. The institution may also apply existing exemptions under the Code such as the ability to set bona fide job requirements - if the requirements are essential to the performance of the job.

The policy should also cover reprisals, retaliation or threats of reprisals against anyone pursuing her/his rights under the policy, for having participated or co-operated in an investigation, or for having been associated with someone who has pursued rights or participated in the procedures, or acting in any role under the policy/procedure. Retaliation or reprisals should be treated as prohibited harassment and/or discrimination.

Coverage: Who

The policy, within the work/study environment, should apply to:

(1) academic staff
(2) non-academic staff
(3) all students
(4) members of Boards of Governors
(5) members of standing and ad hoc committees established by the institution
(6) members of societies and associations which have a direct relationship or are under the authority of the institution
(7) contractors such as those undertaking construction, provision of service or research and
(8) visitors or guests who have no ongoing connection to the institution but are on campus.

Visitors to campus should be subject to complaints if they engage in prohibited conduct. Institutions should take appropriate actions and apply appropriate remedies (e.g. barring them from campus) if harassment or discrimination is found. Each institution may choose whether such visitors should be able to initiate complaints under the institutional policy.

All contractual relationships entered into by the institution should be governed by a standard contract compliance clause that contractors must comply with the institutional policy and the Ontario Human Rights Code, including co-operating in investigations. Breach of the clause may result in penalties, cancellation, or debarment if a contractor is found in violation of the institutional policy or the Ontario Human Rights Code.

Coverage: Where

The policy statement should include coverage of incidents that occur both on and off campus. For example, harassment and discrimination that occurs on campus, off-campus, at campus-related social functions, in the course of work or academic assignments/placements off-campus, during work or academic related travel, or over the telephone would be covered.

For the institutional policy to apply there must be the potential to adversely impact on a person's work or study performance or create a poisoned work or study environment.

It is expected that incidents occurring off campus which have no or little likelihood of any impact on the work/study environment at the institution would be pursued through the regular Human Rights Commission processes or other processes.

Prevention and Education

A proactive and comprehensive education initiative, with assigned responsibility and resourcing, should be in the policy. At a minimum:

(1) Every student, employee, and contractor should receive a plain language version of the policy and procedure.

(2) Every new student, employee and contractor should receive a plain language version of the policy and procedure.

(3) Managers, supervisors, and others in authority should be made aware of their responsibilities under the policy and the Code in creating and maintaining an environment free from discrimination and harassment as well as made aware of their rights. They should also be made aware of complaint procedures and various internal and external mechanisms available.

Elements of Complaint Process

In developing or reviewing its complaint process, institutions should include the following elements:

- complainant and respondent advice & counselling including advice on external avenues of redress available (through court, human rights commission, collective agreements, etc.)
- timelines
- investigations
- informal resolution
- mediation
- formal resolution
- standard of proof (balance of probabilities since this is a civil issue)
- consequence of frivolous or vexatious complaints
- data gathering, storage, access control, analysis
- reporting
- monitoring and enforcement
- policy/procedure review.

Responsibility for each element should be clearly assigned to a specific person, office, or body.

If an internal appeal mechanism is included, specific responsibility should be indicated as well.

Timelines for bringing complaints should be specified, including timelines for bringing complaints to external bodies (e.g. six months to the Ontario Human Rights Commission with allowance for extension in some cases). The internal sectoral norm is within six months of an incident as well, with provision for extension of timelines if individual circumstances warrant an extension. Criteria for granting extensions should be clearly spelled out.

Longer timelines for bringing systemic complaints and for their resolution may be necessary. The government recognizes that a different process may be necessary to deal with systemic discrimination complaints. Alternative proposals may be made to address this issue including the option of final resolution by the Human Rights Commission.

Complaints may be found to be without merit or trivial, frivolous, vexatious, or made in bad faith. The policy should state that frivolous, vexatious, or bad faith complaints may result in sanction. The process and sanctions should be the same as for other complaints (tied to the severity of the breach and relationship of the respondent to the institution).

Regarding complaints, policies should clearly specify:

(1) The complainant should decide whether the complaint goes forward or not and can withdraw the complaint at any stage.

(2) What the informal resolution process is, how it works, who is involved in it.

(3)What mediation process exists, how it works and who is involved. Circumstances under which mediation works best should be outlined.

(4)What the formal resolution process is, how it works, and who is involved in it.

(5)If an institution chooses to have an internal appeal process, what the appeal process is, how it works, what may be appealed, and who is involved in it.

The policy should specify what costs the institution is responsible for.

Policies should clearly provide for necessary confidentiality subject to the Freedom of Information and Protection of Privacy Act and conform to requirements for fair procedures and rights to representation.

Policies should allow for the development of alternative procedures, redress and sanctions that would reflect values other than the dominant culture. Institutions should consult with on and off-campus groups and individuals who can help them devise appropriate and culturally sensitive policies and procedures. The Ministry will provide referrals to groups and agencies to interested institutions. Alternative procedures should be developed by the same process as the rest of the policies and procedures and subject to the same review process as the rest. If alternative procedures are developed, both parties should agree to their use.

Additional sources of policies and procedures for review can be found at other institutions, in the provincial government's harassment and discrimination policies and procedures and in the Council of Regents Harassment Task Force Report.

Sanctions and Redress

The policy should provide a range of sanctions which should relate to the seriousness of the breach and to the respondent's relationship with the institution. Publicizing the names of offenders should not be included as a penalty, nor should publicizing the names of those accused. If the complaint is related to work, established procedures for progressive discipline should be followed.

Examples of sanctions are verbal or written apology, written reprimand, barring contractors from future bids, barring from campus, transfer, demotion, suspension, mandatory training/education, dismissal or expulsion.

The policy should provide a range of redress options which should aim at restoring the complainant to the position she/he would have been in had the harassment or discrimination not occurred, to the extent possible. A full range of appropriate redress and remedies, depending on the relationship of the complainant to the institution, should be provided.

Examples of redress are receipt of written apology, restoration of employment position or academic status, review of marking, provision of counselling.

UNIVERSITY REVIEW PROCESS

By March 1, 1994, each university should have completed a review of its harassment and discrimination policy and procedures using the policy framework and have submitted to the OCUA the harassment and discrimination policy and procedures approved by the institution.

Universities are encouraged to include all stakeholder groups in their policy and procedure review.

By June 30 annually, each institution will submit a report with aggregate complaint and resolution data, in accordance with privacy considerations. The report will also include a brief summary of changes made to institutional policy and procedure over the past year plus any significant amendments under consideration.

The annual report should be submitted to all campus constituencies, the Ministry and the Ontario Council on University Affairs.

External Audit/Review

The Ontario Council on University Affairs will carry out an effectiveness audit of each institution's policies and procedures three years after receipt of the initial reports from institutions. They will seek the help of major client groups and external experts.

In addition to subject areas and issues to be identified, the review will examine any internal appeal processes, issues around carriage of complaints with complainants, and issues around mediation.

Politique - cadre en matière de prévention du harcèlement et de la discrimination dans les collèges de l'Ontario

Ontario
Ministry of Education and Training
Ministère de l'Éducation et de la Formation

POLITIQUE-CADRE EN MATIÈRE DE PRÉVENTION DU HARCÈLEMENT ET DE LA DISCRIMINATION DANS LES COLLÈGES DE L'ONTARIO

Objet

Le gouvernement de l'Ontario a adopté une politique selon laquelle le harcèlement et la discrimination ne seront en aucun cas tolérés dans les collèges de la province. Le présent document contient une politique-cadre présentant les éléments que doivent et pourraient contenir les règles et directives adoptées par les établissements en la matière.

Le gouvernement se servira de ces éléments pour déterminer si les règles et directives adoptées par les établissements seront approuvées par le ministère.

Contexte

En juin 1992, Stephen Lewis a recommandé que l'ancien ministère des Collèges et Universités adopte, après y avoir apporté les modifications nécessaires, les lignes directrices préliminaires élaborées par le Conseil ontarien des affaires collégiales en matière de prévention du harcèlement et de la discrimination aux fins d'application dans tous les établissements d'enseignement postsecondaire. Des séances de consultation se sont tenues avec ces établissements d'août à décembre 1992 à propos des principes directeurs élaborés par le Conseil ontarien des affaires collégiales ainsi que des règles et directives en place. Le ministère de l'Éducation et de la Formation s'est fondé sur ces délibérations et d'autres qui se sont tenues antérieurement, ainsi que sur la recherche et les données et directives existantes afin d'élaborer la politique-cadre qui suit.

Le gouvernement s'attend à ce que les établissements se servent de cette politique-cadre pour étudier et évaluer les règles et directives en place et les modifier au besoin. Le processus d'examen est expliqué de manière plus détaillée ci-après.

La politique-cadre représente les attentes minimales du gouvernement en ce qui concerne les éléments qui constitueront le processus de mise au point de la politique des établissements et de son produit final.

Le présent document n'est pas exhaustif. Les établissements peuvent l'étoffer et établir d'autres moyens d'atteindre l'objectif de la politique de manière à tenir compte des réalités qui leur sont propres.

Lors de l'élaboration de leurs règles et directives, les établissements sont invités à étudier les meilleures pratiques actuellement en place dans les établissements d'enseignement postsecondaire et à prendre connaissance du rapport du groupe de travail sur le harcèlement du Conseil ontarien des affaires collégiales. Ces renseignements seront fournis par le ministère à tous les groupes qui s'intéressent à la question.

Les établissements devront faire en sorte que leurs règles et directives soient à la fois valables du point de vue légal et à la portée de ceux qui s'en serviront. Le texte final devrait être compréhensible et de lecture et d'utilisation facile. Le langage utilisé devrait être clair et simple.

Le gouvernement versera la somme de 1,5 million de dollars au secteur postsecondaire pour l'élaboration et la production de trousses de formation, de modèles de collecte de données, de modèles d'évaluation continue et de modèles et processus de vérification externes, pour l'élaboration et la production de matériel didactique à l'intention de tous les groupes concernés et pour des ateliers de formation et d'information à l'échelle régionale.

Contenu

1) Politique-cadre à l'intention des collèges
2) Directives générales à l'intention des collèges
3) Processus d'examen des collèges

POLITIQUE-CADRE À L'INTENTION DES COLLÈGES

Énoncé de politique

Chaque politique doit s'accompagner d'une déclaration de ses buts et principes.

L'objectif principal de la politique consiste, pour les collèges, à ne tolérer en aucun cas le harcèlement et la discrimination, au sens défini par la politique, que ce soit dans leurs méthodes de recrutement ou dans leurs activités éducatives ou commerciales.

En plus de l'objectif énoncé, l'énoncé de politique doit au moins inclure les concepts suivants :

1) Le harcèlement et la discrimination sont interdits aux termes du Code ontarien des droits de la personne.

2) Tous les membres du campus doivent contribuer à créer un milieu dépourvu de harcèlement et de discrimination, afin que chacun puisse travailler et étudier dans les meilleures conditions possibles dans une atmosphère de compréhension et de respect mutuel, propice au maintien de la dignité et des droits de tous.

3) L'établissement veillera à ce que chaque personne faisant partie du campus connaisse la politique relative au harcèlement et à la discrimination et prendra les mesures nécessaires en matière d'information et de prévention.

4) L'établissement reconnaît qu'il est tenu de réagir rapidement, équitablement et efficacement au cas où un cas de harcèlement ou de discrimination se présenterait.

5) La politique s'applique à tous les membres du réseau collégial, aussi bien sur le campus qu'en dehors du campus.

6) Les droits de la personne plaignante et de la personne intimée doivent être préservés.

7) Toute personne continue à avoir le droit de recourir à la Commission ontarienne des droits de la personne même lorsque des mesures sont prises en vertu de cette politique.

Les établissements voudront peut-être aussi incorporer le préambule du Code ontarien des droits de la personne dans leur énoncé de politique.

Lors de l'élaboration des règles et directives relatives à la prévention du harcèlement et de la discrimination, les collèges devraient tenir compte des directives d'autres campus en matière de sécurité afin d'étudier de façon exhaustive tous les motifs de harcèlement et de discrimination et toutes les solutions.

Champ d'application : types d'activités et motifs

La politique porte sur :

1) le harcèlement;
2) le harcèlement sexuel;
3) la discrimination;
4) le milieu négatif ou l'atmosphère négative

s'ils sont

1) explicites (directs)
2) indirects (traitement différentiel)
3) liés à une association, ou
4) systémiques

en ce qui concerne tous les motifs prévus en vertu du Code ontarien des droits de la personne : race, ascendance, lieu d'origine, couleur, origine ethnique [y compris la langue, le dialecte ou l'accent], citoyenneté, croyance, sexe, orientation sexuelle, handicap, âge (personnes entre 18 et 65 ans), état civil, situation de famille, assistance sociale, l'existence d'un casier judiciaire (provincial) ou d'infractions de compétence fédérale ayant fait l'objet d'une réhabilitation. Tous ces motifs seront désormais qualifiés de «motifs illicites».

Nous encourageons les établissements à ajouter d'autres motifs à leurs politiques internes, comme l'ont d'ailleurs déjà fait un grand nombre d'entre eux, afin de tenir compte de circonstances particulières.

Définitions et exemples

Les définitions incluront les éléments suivants :

Harcèlement : un ou plusieurs commentaires ou comportements vexatoires liés à un ou plusieurs motifs illicites dont on sait ou pourrait raisonnablement savoir qu'ils sont importuns/non voulus, injurieux, intimidants, hostiles ou inopportuns.

Exemples : gestes, remarques, blagues, railleries, insinuations, étalage de matériel offensant, graffitis injurieux, menaces, agressions verbales ou physiques, imposition de pénalités, brimades, traque, ostracisme ou exclusion du fait d'un motif illicite.

Harcèlement sexuel : un ou plusieurs commentaires ou comportements de nature sexuelle ou liée au sexe dont on sait ou pourrait raisonnablement savoir qu'ils sont importuns/non voulus, injurieux, hostiles ou inopportuns.

Exemples : gestes, remarques, blagues, insultes, railleries, insinuations, menaces, agressions verbales, physiques ou sexuelles, contacts physiques non désirés, invitations, regards concupiscents, étalage de matériel offensant sexuellement, sollicitations, exigences, pénalités liées à l'orientation sexuelle, à l'état civil ou à la situation de famille; attention importune, promesses implicites ou explicites de récompenses ou d'avantages en contrepartie de faveurs sexuelles, menaces ou mesures de représailles implicites ou explicites si des faveurs sexuelles ne sont pas accordées, agression sexuelle.

Discrimination - actes ou comportements entraînant un traitement défavorable ou hostile ou un traitement de faveur lié à un motif illicite.

Exemples : tout traitement différentiel; refus de fournir des biens, des services ou des installations, refus d'embaucher une personne ou de lui accorder les avantages qui lui sont dus, refus de travailler ou d'étudier avec une personne ou de lui dispenser un enseignement, refus de prévoir l'accès physique à un bâtiment.

Milieu négatif - un ou plusieurs commentaires ou comportements contribuant à créer un milieu négatif pour certaines personnes ou certains groupes et liés aux motifs illicites. Le commentaire ou comportement doit être grave et avoir comme conséquence «d'empoisonner» le milieu de travail ou d'étude. La personne plaignante ne doit pas nécessairement être une cible directe pour souffrir de l'atmosphère négative découlant de cette situation. Cela comprend les comportements ou commentaires créant et alimentant une atmosphère d'étude ou de travail offensante, hostile ou intimidante.

Exemples : graffitis, enseignes, dessins humoristiques, remarques, ostracisme, traitement défavorable lié à un ou plusieurs motifs illicites.

Harcèlement/discrimination systémique - principes directeurs, pratiques, directives, actes ou non-interventions d'apparence neutre mais ayant des conséquences négatives liées à l'un des motifs illicites.

Exemple : Dates d'examens prévues en même temps que des événements religieux importants.

Veuillez noter que les établissements peuvent demander à être exemptés du Code afin d'offrir des programmes spéciaux à l'intention de groupes et personnes désavantagés. Ils peuvent également demander à se prévaloir des exemptions prévues en vertu du Code, par exemple, dans le but d'établir des critères d'emploi légitimes s'ils sont essentiels à un poste en question.

La politique abordera également les mesures ou menaces de représailles dirigées contre toute personne qui, se prévalant de ses droits en vertu de la politique, a participé ou collaboré à une enquête, ou bien qui est associée à une autre personne qui s'est prévalue de ses droits ou a participé au processus, ou qui a agi de quelque manière que ce soit en vertu des règles et directives. Les mesures de représailles seront considérées comme du harcèlement ou de la discrimination illicite.

Champ d'application : personnes touchées

Dans le cadre du milieu de travail ou d'étude, les règles et directives s'appliqueront :

1) au personnel enseignant
2) au personnel non enseignant
3) à tous les étudiants et les étudiantes
4) aux membres du conseil d'administration
5) aux membres des comités permanents ou spéciaux établis par l'établissement
6) aux membres de corporations ou associations ayant des liens directs avec l'établissement ou relevant de son autorité
7) aux fournisseurs et fournisseuses, par exemple, les constructeurs et constructrices, les fournisseurs et fournisseuses de services ou les chercheurs et chercheuses
8) aux visiteurs et invités qui n'ont pas de liens permanents avec l'établissement mais se trouvent sur le campus.

Les personnes qui sont en visite sur le campus feront l'objet de plaintes si elles affichent un comportement illicite. Les établissements prendront les mesures appropriées (p. ex., en leur interdisant l'accès au campus) s'il est constaté que ces personnes sont coupables de harcèlement ou de discrimination. Chaque établissement peut décider si ces personnes devraient pouvoir porter plainte en vertu de la politique de l'établissement.

Toutes les personnes liées par un contrat à l'établissement seront assujetties à une disposition standard à laquelle les fournisseurs et fournisseuses doivent se conformer en vertu de la politique de l'établissement et du Code ontarien des droits de la personne, y compris coopérer en cas d'enquête. Le fait de ne pas se conformer à cette disposition peut donner lieu à des pénalités, à une annulation ou à une exclusion s'il est décidé que le fournisseur ou la fournisseuse a enfreint la politique de l'établissement ou le Code ontarien des droits de la personne.

Champ d'application : contextes

L'énoncé de politique portera également sur les incidents qui se produisent sur le campus et en dehors du campus. Par exemple, il s'appliquera également aux actes de harcèlement et de discrimination qui surviennent sur le campus, en dehors du campus, à l'occasion de fonctions sociales dans le cadre des activités collégiales, de missions ou de placements en dehors du campus, de déplacements se rapportant au travail ou aux études collégiales, ou au téléphone.

Pour que la politique de l'établissement puisse s'appliquer, il faut que ces actes soient susceptibles d'influer de manière négative sur le travail ou les études de la personne ou qu'ils contribuent à empoisonner son cadre de travail ou d'étude.

On s'attend à ce que les incidents survenant en dehors du campus et n'influant que très peu ou pas du tout sur le cadre de travail ou d'étude seront réglés par l'entremise de la Commission des droits de la personne ou d'autres instances.

Prévention et éducation

La politique doit prévoir des mesures anticipatoires et exhaustives, les responsabilités ainsi que les ressources nécessaires. Au minimum :

1) Tous les étudiants et étudiantes, employés et employées et fournisseurs et fournisseuses doivent recevoir une version des règles et directives rédigée en langage clair et simple.

2) Tous les nouveaux étudiants et étudiantes, employés et employées et fournisseurs et fournisseuses doivent recevoir une version des règles et directives rédigée en langage clair et simple.

3) Les chefs de service, superviseurs et superviseures et autres membres de la direction doivent être informés de leurs responsabilités en vertu de la politique et du Code, à savoir qu'ils doivent créer et maintenir un milieu dépourvu de toute discrimination et de tout harcèlement et être conscients de leurs droits. Ils doivent également être informés de la procédure relative aux plaintes et des divers mécanismes internes et externes en place.

Éléments de la procédure relative aux plaintes

Lorsqu'ils élaborent et revoient leur procédure relative aux plaintes, les établissements doivent y inclure les éléments suivants :

- services de counseling à la personne plaignante et à la personne intimée, y compris des conseils sur les voies de recours externes disponibles (tribunal, commission des droits de la personne, conventions collectives, etc.)
- délais
- enquêtes
- mécanisme de résolution officieux
- arbitrage
- mécanisme de résolution officiel
- norme de preuve (prépondérance des probabilités étant donné qu'il s'agit d'une action civile)
- conséquence des plaintes frivoles ou vexatoires
- collecte, stockage et analyse de données et contrôle d'accès aux données
- compte rendu
- suivi et observation
- examen des règles et directives

La responsabilité en ce qui concerne chaque élément doit être expressément assignée à une personne, à un bureau ou à un organisme précis.

Si un mécanisme d'appel interne est prévu, les responsabilités précises devraient aussi être indiquées.

Les délais de soumission des plaintes doivent être précisés, y compris les délais de soumission des plaintes à des organismes externes (p. ex., six mois pour la Commission ontarienne des droits de la personne avec prolongation dans certains cas). En ce qui concerne les collèges, le délai est également de six mois avec prolongation si les circonstances individuelles le justifient. Les critères d'octroi d'une prolongation doivent être clairement définis.

En ce qui concerne les plaintes relatives à des actes systémiques et à leur résolution, des délais plus longs peuvent être nécessaires. Le gouvernement reconnaît qu'il peut falloir établir un processus distinct en ce qui concerne les plaintes relatives à des actes de discrimination systémiques. D'autres solutions peuvent être proposées à cet égard, y compris la possibilité d'une résolution finale par la Commission des droits de la personne.

Il peut être décidé qu'une plainte est non fondée ou sans objet, frivole, vexatoire ou soumise de mauvaise foi. La politique doit indiquer que de telles plaintes peuvent entraîner des sanctions. La procédure et les sanctions seront les mêmes que pour d'autres plaintes (selon la gravité de la violation et du lien de la personne intimée avec l'établissement).

En ce qui concerne les plaintes, les règles doivent :

1) indiquer clairement que la personne plaignante décidera si elle veut ou non donner suite à sa plainte, et qu'elle peut la retirer à n'importe quel moment;

2) décrire le processus de résolution officieux, la façon dont il fonctionne, et indiquer les personnes responsables;

3) indiquer s'il existe un processus d'arbitrage, comment il fonctionne, et décrire les circonstances dans lesquelles il est préférable d'avoir recours au processus d'arbitrage;

4) décrire le processus de résolution officiel et son fonctionnement, et indiquer les personnes responsables;

5) si l'établissement a choisi de se doter d'un processus d'appel interne, décrire ce processus, son fonctionnement et les circonstances dans lesquelles on peut interjeter appel, et indiquer les personnes responsables.

La politique doit indiquer les coûts dont l'établissement est responsable.

La politique devrait clairement assurer la confidentialité nécessaire en vertu de la Loi sur l'accès à l'information et la protection de la vie privée et se conformer aux exigences en matière de procédures équitables et de droits relatifs à la représentation.

La politique devrait prévoir l'élaboration d'autres procédures, voies de recours et sanctions tenant compte de valeurs autres que celles de la culture dominante. Les établissements devraient consulter des groupes et personnes internes et externes qui peuvent les aider à élaborer des règles et directives appropriées et tenant compte des diverses cultures. Le ministère recommandera des groupes et organismes aux établissements intéressés. D'autres procédures seront mises au point selon le processus établi en vertu des autres règles et directives et assujetties au même processus d'examen. Si d'autres directives sont élaborées, les deux parties devront se mettre d'accord à leur égard.

Il est possible de consulter les règles et directives adoptées par d'autres établissements, celles établies par le gouvernement provincial en matière de prévention du harcèlement et de la discrimination, ainsi que le rapport du groupe de travail sur le harcèlement du Conseil ontarien des affaires collégiales.

Sanctions et mesures de réparation

La politique doit prévoir diverses sanctions en rapport avec la gravité de l'infraction et le lien de la personne intimée avec l'établissement. Le nom des contrevenants et des contrevenantes ni celui des personnes accusées ne doivent être publiés à titre de pénalité. Si la plainte se rapporte au travail, on devrait suivre la procédure établie relative aux mesures disciplinaires progressives.

Exemples de sanctions : excuses verbales et écrites, réprimandes par écrit, interdiction aux fournisseurs de faire des soumissions, interdiction d'accès au campus, mutation, rétrogradation, suspension, formation/éducation obligatoire, congédiement ou expulsion.

La politique doit prévoir diverses mesures de réparation et dans la mesure du possible faire en sorte que la personne plaignante réintègre le poste qu'elle aurait occupé si le harcèlement ou la discrimination n'avait pas eu lieu. Elles doivent également prévoir diverses mesures de réparation et divers recours selon les liens de la personne plaignante avec l'établissement.

Exemples de mesures de réparation : excuses par écrit, réintégration du poste ou du titre académique, révision des notes, counseling.

DIRECTIVES GÉNÉRALES À L'INTENTION DES COLLÈGES

Prévention et éducation

Les initiatives éducatives devraient avoir un cycle de deux ans au maximum. La durée du cycle devrait être précisée. Ces mesures devraient comprendre des activités de sensibilisation de tous les groupes concernés et des activités éducatives à leur intention.

Tous les étudiants et étudiantes, employés et employées et fournisseurs et fournisseuses (y compris les nouveaux étudiants et étudiantes, employés et employées et fournisseurs et fournisseuses) doivent recevoir une version des règles et directives en langage clair et simple. Il peut s'agir d'une lettre du président ou de la présidente de l'établissement qui sera envoyée avec la correspondance habituelle touchant l'accueil des étudiants et étudiantes ou les cours. On pourrait envisager d'élaborer du matériel audiovisuel ou de la documentation dans des langues autres que l'anglais et le français.

Le contenu et la mise en oeuvre des initiatives éducatives devraient être planifiés en coopération avec les syndicats, les associations, les étudiants et étudiantes et les groupes de défense sur le campus. Les initiatives de prévention/d'éducation devraient également être mises en oeuvre en association avec des groupes communautaires et de défense locaux et des services de représentation du gouvernement (p. ex., le Secrétariat ontarien à l'anti-racisme).

Information des visiteurs et avis

Étant donné que les règles et directives s'appliqueront aux visiteurs, ceux-ci devraient être informés de leurs contenu et champ d'application. Le texte des avis pourrait être le même que celui s'adressant aux membres de l'établissement et devrait indiquer :

> le but, les personnes et les lieux concernés par les règles et directives, des exemples de comportements illicites, un résumé de la procédure relative aux plaintes, y compris les délais, le mode de traitement des plaintes, les pénalités possibles, et les personnes/le bureau à contacter.

Les avis devraient aussi indiquer les autres voies de recours, notamment la Commission ontarienne des droits de la personne, les conventions collectives, l'Ombudsman de l'Ontario (pour les collèges), la Loi sur la santé et la sécurité au travail, la Loi sur les accidents du travail et le système de droit criminel en cas d'agression physique ou sexuelle, de menaces criminelles/promotion de la haine.

Les avis devraient être affichés en nombre suffisant, bien en vue et accessibles aux membres de l'établissement.

Éléments du processus relatif aux plaintes

Lorsqu'une plainte est jugée non fondée ou sans objet, frivole, vexatoire ou de mauvaise foi, les directives doivent préciser que cette constatation doit être notifiée par écrit et justifiée.

Arbitrage

Au minimum, l'établissement doit désigner des arbitres approuvés à l'avance par les groupes intéressés. Il incombe aux parties de décider si l'on doit ou non avoir recours à l'arbitrage. La personne plaignante doit en faire la demande et la personne intimée donner son accord. On devrait expliquer aux deux parties les avantages et les inconvénients de l'arbitrage en tant que processus de résolution. On devrait également leur indiquer les circonstances dans lesquelles il vaut mieux recourir à l'arbitrage.

Processus de résolution

Au minimum, les directives doivent indiquer le nom de la personne chargée de recevoir les plaintes, prévoir des dispositions en matière de counseling à fournir à la personne plaignante ainsi qu'un processus officieux de résolution.

Au minimum, les directives doivent prévoir l'envoi d'une plainte officielle par écrit signée par la personne plaignante, la désignation d'un enquêteur impartial qui décidera du bien-fondé de la plainte, l'envoi à la personne intimée d'une lettre le notifiant qu'une plainte a été reçue ainsi que d'une copie de la plainte, la possibilité pour la personne intimée de répondre aux accusations, les droits de représentation, un processus d'audience, la notification des résultats aux parties, et des délais raisonnables en ce qui concerne chaque étape du traitement de la plainte.

Les délais nécessaires à chaque étape de la procédure de traitement des plaintes doivent être précisés. Les critères utilisés en ce qui concerne les décisions prises à chaque étape doivent être clairement décrits et expliqués.

Coûts

Au minimum, l'établissement est responsable des coûts des structures responsables de l'administration des règles et directives de l'établissement et du coût du traitement des plaintes (à l'exception des avocats des parties).

PROCESSUS D'EXAMEN DES COLLÈGES

D'ici le 1er mars 1994, chaque collège devra avoir revu ses règles et directives en matière de prévention du harcèlement et de la discrimination en se basant sur la politique-cadre et les directives générales. Une fois ces règles et directives approuvées, chaque collège les soumettra au ministère.

Les collèges procéderont à l'examen des règles et directives en place en collaboration avec leurs comités ou groupes de représentants locaux, notamment les associations officielles concernées. Ces comités/groupes donneront leur aval ou soumettront des modifications au Conseil aux fins d'approbation ou de modification. Une fois l'approbation du Conseil obtenue, tous les membres des comités/groupes donneront leur aval ou signeront la lettre que le Conseil enverra au ministère pour lui indiquer qu'il approuve les règles et directives.

Si, d'ici le 1er mars 1994, les membres des comités/groupes ne sont pas parvenus à s'entendre même après que le Conseil leur aura fourni son aide, ce dernier soumettra au gouvernement un rapport dans lequel il expliquera que les diverses parties ne sont pas parvenues à une entente et il exposera leur point de vue. Les membres du comité concernés doivent faire savoir au ministère que le Conseil a présenté leur point de vue avec exactitude.

Le gouvernement prendra les mesures qui s'imposent; il désignera notamment un arbitre chevronné qui s'efforcera de résoudre l'impasse. Si, après étude, l'arbitre ne peut pas résoudre l'impasse, il/elle informera le gouvernement :

1) que les parties ne peuvent pas parvenir à une entente en raison d'opinions divergentes de bonne foi. Le gouvernement imposera alors au collège certaines, voire la totalité, de ses propres règles et directives; ou

2) que l'un ou plusieurs groupes intéressés refusent d'approuver les règles et directives conformes à la politique-cadre du gouvernement. Le modèle en place sera alors soumis à l'approbation du Conseil sans l'aval de tous les groupes intéressés. Le Conseil transmettra les règles et procédures approuvées sans l'aval du(des) groupe(s) concerné(s); ou

3) des étapes/mesures que l'arbitre considère comme étant utiles ou appropriées.

Chaque année, avant le 30 juin, chaque établissement soumettra un rapport de toutes les plaintes présentées et de la façon dont elles auront été réglées, tout en respectant les critères de confidentialité. Le rapport comprendra également un bref résumé des changements apportés par l'établissement à ses règles et procédures au cours de l'année écoulée, de même que les changements importants qu'il envisage d'y apporter.

Le rapport annuel sera soumis à tous les membres du campus concernés, au ministère et au Conseil ontarien des affaires collégiales.

Vérification/examen externe

Le Conseil ontarien des affaires collégiales procédera à une vérification des règles et directives de tous les établissements trois ans après la réception des premiers rapports soumis par eux. Il fera appel à la collaboration des principaux groupes intéressés et d'experts-conseils indépendants.

Outre les domaines et questions devant être identifiés, le Conseil ontarien des affaires collégiales examinera tous les mécanismes d'appel internes ainsi que les questions relatives au traitement des plaintes et à l'arbitrage.

Politique - cadre en matière de prévention du harcèlement et de la discrimination dans les universités de l'Ontario

Ministry of Education and Training
Ministère de l'Éducation et de la Formation
Ontario

POLITIQUE-CADRE EN MATIÈRE DE PRÉVENTION DU HARCÈLEMENT ET DE LA DISCRIMINATION DANS LES UNIVERSITÉS DE L'ONTARIO

Objet

Le gouvernement de l'Ontario a adopté une politique selon laquelle le harcèlement et la discrimination ne seront en aucun cas tolérés dans les universités de la province. Le présent document contient une politique-cadre présentant les éléments des politiques adoptées par les établissements en la matière.

Le COAU se servira de ces éléments pour évaluer les politiques des universités avant de présenter ses recommandations au ministère.

Contexte

En juin 1992, Stephen Lewis a recommandé que l'ancien ministère des Collèges et Universités adopte, après y avoir apporté les modifications nécessaires, les lignes directrices préliminaires élaborées par le Conseil ontarien des affaires collégiales en matière de prévention du harcèlement et de la discrimination aux fins d'application dans tous les établissements d'enseignement postsecondaire. Des séances de consultation se sont tenues avec ces établissements d'août à décembre 1992 à propos des principes directeurs élaborés par le Conseil ontarien des affaires collégiales ainsi que des règles et directives en place. Le ministère de l'Éducation et de la Formation s'est fondé sur ces délibérations et d'autres qui se sont tenues antérieurement, ainsi que sur la recherche et les données et directives existantes afin d'élaborer la politique-cadre qui suit.

Le gouvernement s'attend à ce que les établissements se servent de cette politique-cadre pour étudier et évaluer les règles et directives en place et les modifier au besoin. Le processus d'examen est expliqué de manière plus détaillée ci-après.

La politique-cadre représente les attentes minimales du gouvernement en ce qui concerne les éléments qui devraient constituer le processus de mise au point de la politique des établissements et de son produit final.

Le présent document n'est pas exhaustif. Les établissements peuvent l'étoffer et établir d'autres moyens d'atteindre l'objectif de la politique de manière à tenir compte des réalités qui leur sont propres.

Lors de l'élaboration de leurs règles et directives, les établissements sont invités à étudier les meilleures pratiques actuellement en place dans les établissements d'enseignement postsecondaire et à prendre connaissance du rapport du groupe de travail sur le harcèlement du Conseil ontarien des affaires collégiales. Ces renseignements seront fournis par le ministère à tous les groupes qui s'intéressent à la question.

Les établissements devront faire en sorte que leurs règles et directives soient à la fois valables du point de vue légal et à la portée de ceux qui s'en serviront. Le texte final devrait être compréhensible et de lecture et d'utilisation facile. Le langage utilisé devrait être clair et simple.

Le gouvernement versera la somme de 1,5 million de dollars au secteur postsecondaire pour l'élaboration et la production de trousses de formation, de modèles de collecte de données, de modèles d'évaluation continue et de modèles et processus de vérification externes, pour l'élaboration et la production de matériel didactique à l'intention de tous les groupes concernés et pour des ateliers de formation et d'information à l'échelle régionale.

Contenu

1) Politique-cadre à l'intention des universités
2) Processus d'examen des universités

POLITIQUE-CADRE À L'INTENTION DES UNIVERSITÉS

Énoncé de politique

Chaque politique devrait s'accompagner d'une déclaration de ses buts et principes.

L'objectif principal de la politique devrait consister, pour les universités, à ne tolérer en aucun cas le harcèlement et la discrimination, au sens défini par la politique, que ce soit dans leurs méthodes de recrutement ou dans leurs activités éducatives ou commerciales.

En plus de l'objectif énoncé, l'énoncé de politique devrait au moins inclure les concepts suivants :

1) Le harcèlement et la discrimination sont interdits aux termes du Code ontarien des droits de la personne.

2) Tous les membres du campus doivent contribuer à créer un milieu dépourvu de harcèlement et de discrimination, afin que chacun puisse travailler et étudier dans les meilleures conditions possibles dans une atmosphère de compréhension et de respect mutuel, propice au maintien de la dignité et des droits de tous.

3) L'établissement devrait veiller à ce que chaque personne faisant partie du campus connaisse la politique relative au harcèlement et à la discrimination et prendra les mesures nécessaires en matière d'information et de prévention.

4) L'établissement reconnaît qu'il est tenu de réagir rapidement, équitablement et efficacement au cas où un cas de harcèlement ou de discrimination se présenterait.

5) La politique s'applique à tous les membres du réseau collégial ou universitaire, aussi bien sur le campus qu'en dehors du campus.

6) Les droits de la personne plaignante et de la personne intimée devraient être préservés.

7) Toute personne continue à avoir le droit de recourir à la Commission ontarienne des droits de la personne même lorsque des mesures sont prises en vertu de cette politique.

Les établissements voudront peut-être aussi incorporer le préambule du Code ontarien des droits de la personne dans leur énoncé de politique.

Lors de l'élaboration des règles et directives relatives à la prévention du harcèlement et de la discrimination, les universités devraient tenir compte des directives d'autres campus en matière de sécurité afin d'étudier de façon exhaustive tous les motifs de harcèlement et de discrimination et toutes les solutions.

Champ d'application : types d'activités et motifs

La politique devrait porter sur :

1) le harcèlement;
2) le harcèlement sexuel;
3) la discrimination;
4) le milieu négatif ou l'atmosphère négative

s'ils sont

1) explicites (directs)
2) indirects (traitement différentiel)
3) liés à une association, ou
4) systémiques

en ce qui concerne tous les motifs prévus en vertu du Code ontarien des droits de la personne : race, ascendance, lieu d'origine, couleur, origine ethnique [y compris la langue, le dialecte ou l'accent], citoyenneté, croyance, sexe, orientation sexuelle, handicap, âge (personnes entre 18 et 65 ans), état civil, situation de famille, assistance sociale, l'existence d'un casier judiciaire (provincial) ou d'infractions de compétence fédérale ayant fait l'objet d'une réhabilitation. Tous ces motifs seront désormais qualifiés de «motifs illicites».

Nous encourageons les établissements à ajouter d'autres motifs à leurs politiques internes, comme l'ont d'ailleurs déjà fait un grand nombre d'entre eux, afin de tenir compte de circonstances particulières.

Définitions et exemples

Les définitions devraient inclure les éléments suivants :

Harcèlement : un ou plusieurs commentaires ou comportements vexatoires liés à un ou plusieurs motifs illicites dont on sait ou pourrait raisonnablement savoir qu'ils sont importuns/non voulus, injurieux, intimidants, hostiles ou inopportuns.

Exemples : gestes, remarques, blagues, railleries, insinuations, étalage de matériel offensant, graffitis injurieux, menaces, agressions verbales ou physiques, imposition de pénalités, brimades, traque, ostracisme ou exclusion du fait d'un motif illicite.

Harcèlement sexuel : un ou plusieurs commentaires ou comportements de nature sexuelle ou liée au sexe dont on sait ou pourrait raisonnablement savoir qu'ils sont importuns/non voulus, injurieux, hostiles ou inopportuns.

Exemples : gestes, remarques, blagues, insultes, railleries, insinuations, menaces, agressions verbales, physiques ou sexuelles, contacts physiques non désirés, invitations, regards concupiscents, étalage de matériel offensant sexuellement, sollicitations, exigences, pénalités liées à l'orientation sexuelle, à l'état civil ou à la situation de famille; attention importune, promesses implicites ou explicites de récompenses ou d'avantages en contrepartie de faveurs sexuelles, menaces ou mesures de représailles implicites ou explicites si des faveurs sexuelles ne sont pas accordées, agression sexuelle.

Discrimination - actes ou comportements entraînant un traitement défavorable ou hostile ou un traitement de faveur lié à un motif illicite.

Exemples : tout traitement différentiel; refus de fournir des biens, des services ou des installations, refus d'embaucher une personne ou de lui accorder les avantages qui lui sont dus, refus de travailler ou d'étudier avec une personne ou de lui dispenser un enseignement, refus de prévoir l'accès physique à un bâtiment.

Milieu négatif - un ou plusieurs commentaires ou comportements contribuant à créer un milieu négatif pour certaines personnes ou certains groupes et liés aux motifs illicites. Le commentaire ou comportement doit être grave et avoir comme conséquence «d'empoisonner» le milieu de travail ou d'étude. La personne plaignante ne doit pas nécessairement être une cible directe pour souffrir de l'atmosphère négative découlant de cette situation. Cela comprend les comportements ou commentaires créant et alimentant une atmosphère d'étude ou de travail offensante, hostile ou intimidante.

Exemples : graffitis, enseignes, dessins humoristiques, remarques, ostracisme, traitement défavorable lié à un ou plusieurs motifs illicites.

Harcèlement/discrimination systémique - principes directeurs, pratiques, directives, actes ou non-interventions d'apparence neutre mais ayant des conséquences négatives liées à l'un des motifs illicites.

Exemple : Dates d'examens prévues en même temps que des événements religieux importants.

Veuillez noter que les établissements peuvent demander à être exemptés du Code afin d'offrir dès programmes spéciaux à l'intention de groupes et personnes désavantagés. Ils peuvent également demander à se prévaloir des exemptions prévues en vertu du Code, par exemple, dans le but d'établir des critères d'emploi légitimes s'ils sont essentiels à un poste en question.

La politique devrait également aborder les mesures ou menaces de représailles dirigées contre toute personne qui, se prévalant de ses droits en vertu de la politique, a participé ou collaboré à une enquête, ou bien qui est associée à une autre personne qui s'est prévalue de ses droits ou a participé au processus, ou qui a agi de quelque manière que ce soit en vertu des règles et directives. Les mesures de représailles devraient être considérées comme du harcèlement ou de la discrimination illicite.

Champ d'application : personnes touchées

Dans le cadre du milieu de travail ou d'étude, les règles et directives devraient s'appliquer :

1) au personnel enseignant
2) au personnel non enseignant
3) à toutes les étudiantes et à tous les étudiants
4) aux membres du conseil d'administration
5) aux membres des comités permanents ou spéciaux établis par l'établissement
6) aux membres de corporations ou associations ayant des liens directs avec l'établissement ou relevant de son autorité
7) aux fournisseurs et fournisseuses, par exemple, les constructeurs et constructrices, les fournisseurs et fournisseuses de services ou les chercheurs et chercheuses
8) aux visiteurs et invités qui n'ont pas de liens permanents avec l'établissement mais se trouvent sur le campus.

Les personnes qui sont en visite sur le campus devraient faire l'objet de plaintes si elles affichent un comportement illicite. Les établissements prendront les mesures appropriées (p. ex., en leur interdisant l'accès au campus) s'il est constaté que ces personnes sont coupables de harcèlement ou de discrimination. Chaque établissement peut décider si ces personnes devraient pouvoir porter plainte en vertu de la politique de l'établissement.

Toutes les personnes liées par un contrat à l'établissement devraient être assujetties à une disposition standard à laquelle les fournisseurs et fournisseuses doivent se conformer en vertu de la politique de l'établissement et du Code ontarien des droits de la personne, y compris coopérer en cas d'enquête. Le fait de ne pas se conformer à cette disposition peut donner lieu à des pénalités, à une annulation ou à une exclusion s'il est décidé que le fournisseur ou la fournisseuse a enfreint la politique de l'établissement ou le Code ontarien des droits de la personne.

Champ d'application : contextes

L'énoncé de politique devrait également porter sur les incidents qui se produisent sur le campus et en dehors du campus. Par exemple, il s'appliquera également aux actes de harcèlement et de discrimination qui surviennent sur le campus, en dehors du campus, à l'occasion de fonctions sociales dans le cadre des activités collégiales, de missions ou de placements en dehors du campus, de déplacements se rapportant au travail ou aux études collégiales, ou au téléphone.

Pour que la politique de l'établissement puisse s'appliquer, il faut que ces actes soient susceptibles d'influer de manière négative sur le travail ou les études de la personne ou qu'ils contribuent à empoisonner son cadre de travail ou d'étude.

On s'attend à ce que les incidents survenant en dehors du campus et n'influant que très peu ou pas du tout sur le cadre de travail ou d'étude seront réglés par l'entremise de la Commission des droits de la personne ou d'autres instances.

Prévention et éducation

La politique devrait prévoir des mesures anticipatoires et exhaustives, les responsabilités ainsi que les ressources nécessaires. Au minimum :

1) Tous les étudiants et étudiantes, employés et employées et fournisseurs et fournisseuses devraient recevoir une version des règles et directives rédigée en langage clair et simple.

2) Tous les nouveaux et nouvelles étudiants et étudiantes, employés et employées et fournisseurs et fournisseuses devraient recevoir une version des règles et directives rédigée en langage clair et simple.

3) Les chefs de service, superviseurs et superviseures et autres membres de la direction devraient être informés de leurs responsabilités en vertu de la politique et du Code, à savoir qu'ils et elles doivent créer et maintenir un milieu dépourvu de toute discrimination et de tout harcèlement et être conscients de leurs droits. Ils et elles devraient également être informés de la procédure relative aux plaintes et des divers mécanismes internes et externes en place.

Éléments de la procédure relative aux plaintes

Lorsqu'ils élaborent et revoient leur procédure relative aux plaintes, les établissements devraient y inclure les éléments suivants :

- services de counseling à la personne plaignante et à la personne intimée, y compris des conseils sur les voies de recours externes disponibles (tribunal, commission des droits de la personne, conventions collectives, etc.)
- délais
- enquêtes
- mécanisme de résolution officieux
- arbitrage
- mécanisme de résolution officiel
- norme de preuve (prépondérance des probabilités étant donné qu'il s'agit d'une action civile)
- conséquence des plaintes frivoles ou vexatoires
- collecte, stockage et analyse de données et contrôle d'accès aux données
- compte rendu
- suivi et observation
- examen des règles et directives

La responsabilité en ce qui concerne chaque élément devrait être expressément assignée à une personne, à un bureau ou à un organisme précis.

Si un mécanisme d'appel interne est prévu, les responsabilités précises devraient aussi être indiquées.

Les délais de soumission des plaintes devraient être précisés, y compris les délais de soumission des plaintes à des organismes externes (p. ex., six mois pour la Commission ontarienne des droits de la personne avec prolongation dans certains cas). En ce qui concerne les universités, le délai est également de six mois avec prolongation si les circonstances individuelles le justifient. Les critères d'octroi d'une prolongation devraient être clairement définis.

En ce qui concerne les plaintes relatives à des actes systémiques et à leur résolution, des délais plus longs peuvent être nécessaires. Le gouvernement reconnaît qu'il peut falloir établir un processus distinct en ce qui concerne les plaintes relatives à des actes de discrimination systémiques. D'autres solutions peuvent être proposées à cet égard, y compris la possibilité d'une résolution finale par la Commission des droits de la personne.

Il peut être décidé qu'une plainte est non fondée ou sans objet, frivole, vexatoire ou soumise de mauvaise foi. La politique devrait indiquer que de telles plaintes peuvent entraîner des sanctions. La procédure et les sanctions devraient être les mêmes que pour d'autres plaintes (selon la gravité de la violation et du lien de la personne intimée avec l'établissement).

En ce qui concerne les plaintes, les règles devraient :

1) indiquer clairement que la personne plaignante devrait décider si elle veut ou non donner suite à sa plainte, et qu'elle peut la retirer à n'importe quel moment;

2) décrire le processus de résolution officieux, la façon dont il fonctionne, et indiquer les personnes responsables;

3) indiquer s'il existe un processus d'arbitrage, comment il fonctionne, et décrire les circonstances dans lesquelles il est préférable d'avoir recours au processus d'arbitrage;

4) décrire le processus de résolution officiel et son fonctionnement, et indiquer les personnes responsables;

5) si l'établissement a choisi de se doter d'un processus d'appel interne, décrire ce processus, son fonctionnement et les circonstances dans lesquelles on peut interjeter appel, et indiquer les personnes responsables.

La politique devrait indiquer les coûts dont l'établissement est responsable.

La politique devrait clairement assurer la confidentialité nécessaire en vertu de la Loi sur l'accès à l'information et la protection de la vie privée et se conformer aux exigences en matière de procédures équitables et de droits relatifs à la représentation.

La politique devrait prévoir l'élaboration d'autres procédures, voies de recours et sanctions tenant compte de valeurs autres que celles de la culture dominante. Les établissements devraient consulter des groupes et personnes internes et externes qui peuvent les aider à élaborer des règles et directives appropriées et tenant compte des diverses cultures. Le ministère recommandera des groupes et organismes aux établissements intéressés. D'autres procédures devraient être mises au point selon le processus établi en vertu des autres règles et directives et assujetties au même processus d'examen. Si d'autres directives sont élaborées, les deux parties devraient se mettre d'accord à leur égard.

Il est possible de consulter les règles et directives adoptées par d'autres établissements, celles établies par le gouvernement provincial en matière de prévention du harcèlement et de la discrimination, ainsi que le rapport du groupe de travail sur le harcèlement du Conseil ontarien des affaires collégiales.

Sanctions et mesures de réparation

La politique devrait prévoir diverses sanctions en rapport avec la gravité de l'infraction et le lien de la personne intimée avec l'établissement. Le nom des contrevenants et des contrevenantes ni celui des personnes accusées ne devraient être publiés à titre de pénalité. Si la plainte se rapporte au travail, on devrait suivre la procédure établie relative aux mesures disciplinaires progressives.

Exemples de sanctions : excuses verbales et écrites, réprimandes par écrit, interdiction aux fournisseurs de faire des soumissions, interdiction d'accès au campus, mutation, rétrogradation, suspension, formation/éducation obligatoire, congédiement ou expulsion.

La politique devrait prévoir diverses mesures de réparation et dans la mesure du possible faire en sorte que la personne plaignante réintègre le poste qu'elle aurait occupé si le harcèlement ou la discrimination n'avait pas eu lieu. Elle doit également prévoir diverses mesures de réparation et divers recours selon les liens de la personne plaignante avec l'établissement.

Exemples de mesures de réparation : excuses par écrit, réintégration du poste ou du titre académique, révision des notes, counseling.

PROCESSUS D'EXAMEN DES UNIVERSITÉS

D'ici le 1^{er} mars 1994, chaque université devrait avoir revu ses règles et directives en matière de prévention du harcèlement et de la discrimination en se basant sur la politique-cadre, et avoir soumis au COAU les règles et directives en matière de prévention du harcèlement et de la discrimination qui ont été approuvées.

Les universités sont invitées à faire participer tous les groupes intéressés à l'examen de leurs règles et directives.

Chaque année, avant le 30 juin, chaque établissement soumettra un rapport de toutes les plaintes présentées et de la façon dont elles auront été réglées, tout en respectant les critères de confidentialité. Le rapport comprendra également un bref résumé des changements apportés par l'établissement à ses règles et procédures au cours de l'année écoulée, de même que les changements importants qu'il envisage d'y apporter.

Le rapport annuel sera soumis à tous les membres du campus concernés, au ministère et au Conseil ontarien des affaires collégiales.

Vérification/examen externe

Le Conseil ontarien des affaires collégiales procédera à une vérification des règles et directives de tous les établissements trois ans après la réception des premiers rapports soumis par eux. Il fera appel à la collaboration des principaux groupes intéressés et d'experts-conseils indépendants.

Outre les domaines et questions devant être identifiés, le Conseil ontarien des affaires collégiales examinera tous les mécanismes d'appel internes ainsi que les questions relatives au traitement des plaintes et à l'arbitrage.

3.4 TRAINING MANUALS

The manuals in this section are listed in alphabetical order by title. A brief description and ordering information are included for each manual. In researching other manuals, it was found that many groups were in the process of putting together educational or policy formation packages. Trainers are encouraged to contact their institution's local union(s) for copies of information and/or manuals on harassment and discrimination which they have produced.

i. Assessing Education Programs for Bias: A Guide for Reviewing Education Programs for Bias Related to Gender, Culture, Disability, Language, Preference, Lifestyle. Ontario Human Resources Secretariat. Leadership, Planning and Education Branch, July, 1990. (37 pages, worksheets and checklists)

This manual is a small but valuable resource for educators and trainers. It includes guidelines developed for educators and trainers in the Ontario Public Service who manage, contract, coordinate, design, develop or deliver education and training programs. The guide looks at barriers in education and training in three ways:

1. assessing and eliminating bias in program design;
2. assessing and eliminating bias in program materials;
3. assessing and eliminating bias in program delivery.

Worksheets to assist in reviewing for bias as well as a barrier free checklist are included. The latter is included to ensure the environment is accessible, although the authors acknowledge their list is not a comprehensive listing of accessibility features.

ii. Canadian Auto Workers Human Rights Manual

Currently under revision, available later in 1995. A French version (not a translation) is being produced as well.

For information, contact:
Ken Luckhardt
Director, Paid Leave Program
Canadian Auto Workers
Family Education Centre
R.R. #1, CAW Road,
Port Elgin, N0H 2C5.
519-389-3200

This manual is designed to be used as part of a course on human rights. It is divided into six sections with discussion questions built into the content. The first section, "Defining Human Rights" provides a working class perspective and definition of human rights. The following sections (2-5) talk about each of the prohibited grounds: race, colour, national and ethnic grounds; sex including sexism and sexual orientation; physical and mental disability including good information on AIDS, pre-employment medical exams and drug and alcohol testing; and age, religion, marital/family status. In all of these sections actual cases are examined, providing opportunities for group discussion and outlining some of the issues raised. In some sections, videos are suggested as part of the lesson. The last section provides some historical background and present day information about a number of racial minority groups in Canada. The manual does not contain any references or bibliography except for a few articles and those are mostly newspaper articles.

iii. Confronting Homophobia: A Manual for Battered Women's and Anti-Sexual Assault Programs.

Developed by the Lesbian Advocacy Committee of the Minnesota Coalition for Battered Women, 1988-1990. Edited by Julie Guth and Pam Elliot. (This manual is currently being revised and will be available in 1995.)

To order, contact:
Minnesota Coalition for Battered Women
1619 Dayton Avenue, Suite 303
St. Paul, Minnesota 55104
(612)646-6177 (voice, TDD)
(612)646-1527 (fax)

This manual was developed for use in addressing homophobia and the accompanying philosophical/political issues and practical problems within both the battered women's movement and anti-sexual assault movement. More specifically, it is intended to assist experienced group facilitators in developing and implementing in-depth anti-homophobia training for the staff, board of directors and volunteers of individual sexual assault and battered women's programs. The manual is designed to be used by women's trainers with female participants. As such, it focuses on what has been termed "Lesbophobia" (the fear and hatred of Lesbianism, both in oneself and others) and Lesbian Culture. Adaptations can and have been made for mixed-gender groups but the focal point remains women's experience. Many of the tools are easily transferred to a workshop setting and/or to responding to everyday awareness of heterosexism. The manual also contains many articles about the interconnection among all oppressions (for example, race, class, age, ability) in our society.

iv. Cultural Diversity by Irving H. Buchen, Pennsylvania State University, Ogontz Campus, 1600 Woodland Road, Abington, Pennsylvania 19001

To order, contact:
Info-Tec Inc.
Box 40092
Cleveland, Ohio 44140

This manual was written by Professor Buchen as an information tool, rather than a training guide. His purpose was to: summarize key issues and principal factors; identify the areas of conflict using specific examples; explore the politics of cultural diversity; look at what other faculty and professional staff have done; and identify areas of common ground. While this manual is American, it examines issues that are confronting faculty on Canadian campuses and uses language that speaks to faculty concerns, in particular about academic freedom.

v. Each of Our Voices: Equity and Discrimination in the University. A Joint Equity Training Project of the Ontario University Employment and Educational Equity Network and the Ontario Training and Development Network. October, 1992

To order, contact:
Gill Teiman
Employment Equity Office
York University
4700 Keele Street
North York, Ontario M3T 1P3
(416) 736-5706

This manual contains information on doing workshops about employment equity. It is divided into three sections: Before the Workshop; The Workshop; and Workshop Resources. Section I is intended to provide an overview of different aspects of training/instruction. Section two contains both the workshop and resources for the workshop. All the facilitator exercises, notes on exercises, more general background notes, and participant materials are included here. The workshop has been designed to give participants the opportunity to come together with other members of the campus community and share their experiences vis-a-vis employment equity. Users of the manual can follow the workshop format provided or design their own workshop by selecting those exercises which are best suited to local issues. Section three lists print and audio/visual resources as well as addresses for ordering materials.

Available in French on request.

vi. Employment Equity for Racially Visible and Aboriginal Peoples, An Anti-Racist Framework and An Anti-Racist Manual For School Boards. Developed for the Canadian School Boards Association by: Fran Reid Endicott and Alok Mukherjee, May 1992.

To order, contact:

The Canadian School Boards Association
124 O'Connor Street, Suite 505
Ottawa, Ontario K1P 5M8
Telephone: 613-235-3724
Fax: 613-238-8434

This document was developed to reflect the growing awareness that equal opportunity for students is closely linked to employment equity. Curriculum and human resources are now seen to share a common purpose within a school system and their implementation must reflect that purpose.

The manual is divided into two sections complete with different resource lists. The framework section explains race relations and employment equity within the context of anti-racist education. It provides parameters against which boards can evaluate their current policies and practices. The manual section can assist in developing new approaches and can be used as a companion to the framework or as a `stand-alone' document. It outlines the components of an effective employment equity program, including implementation strategies.
There are numerous exercises that the consultants have used to promote discussions and they are explained in detail. This is a very readable and practical document and, although not aimed at post-secondary institutions, it remains a very useful document for readers.

vii. Sexual Harassment Education and Prevention Resource Manual by CAASHHE (Canadian Association Against Sexual Harassment in Higher Education), 1992

To order, contact:

Human Rights Officer (Sexual Harassment Coordinator)
Office of Human Rights
1-11 University Hall
University of Alberta
Edmonton, Alberta T6G 2J9

This manual is intended to be an ongoing resource project with updates accessed through the CAASHHE newsletter. It is divided under six convenient headings: Audio-Visual Materials, Books, Publications, En français, Case Studies, and Workshops and Theatre. Within some headings, it is further divided into meaningful units (for example, Audio-Visual Materials is divided by topics. The manual also looks at issues of racism and homophobia. It provides an excellent list of case studies and even training outlines for a variety of workshops. Included are some resources to be used as overheads, cartoon examples and theatrical presentation summaries with contact names. A lot of thought has gone into making this a resource that can incorporate updated and new material easily.

viii. Sexual Harassment: Working It Out. A Change Agent Project of the Ontario Federation of Labour and the Ontario Women's Directorate. March, 1993.

This OWD and OFL co-production is comprised of a discussion guide and twenty minute video program. While the program is intended for use by union members, it is useful for all work environments. It effectively presents the issue of workplace harassment from a number of perspectives, while primarily focusing on sexual harassment. The discussion guide addresses issues which may arise due to the subject matter; provides outlines for half-day and full-day workshops, handouts, an evaluation tool for the workshops, an action guide for complaints of harassment, and some excellent resources. The manual also gives some examples of anti-harassment policies developed by unions. The video explores the issue of sexual harassment by having women victims tell their `stories'. Bonnie Robichaud is featured along with other women whose cases propelled awareness and recognition of union responsibility to address sexual harassment. Interspersed with these stories are union spokespeople who talk about the importance of addressing this issue and what can be done. The video does an excellent job in showing the diversity of the workforce and recognizing the tendency of blaming the victim instead of the abuser.

Both the video and guide are available in French (aussi disponible en français). Produced by OFL, 15 Gervais Drive, Don Mills, Ontario M3C 1Y8 (416) 441-2731 - in collaboration with the Ontario Women's Directorate. Also available through L.M. Media Marketing

ix. Stepping out of Line: A Workbook on Lesbianism and Feminism by Nym Hughes, Yvonne Johnson, and Yvette Perreault. Printed in Vancouver by Press Gang, 1984.

This is an excellent manual for trainers, lesbians, feminists and those looking for more information on the lesbian/gay experience. It is divided into two well organized parts. The first part contains an easy-to-follow workshop with facilitator's guide included as part of the 'workshop script'. The writers have anticipated many of the questions and concerns arising from the content of the workshop and while it is a specific topic focus, their tips and information on organizing and conducting workshops are applicable to other topics/content.

The authors designed the second part of the workbook, 'Organizing for Change', as supplementary information for workshop facilitators and participants. It concludes with an excellent section on 'Finding Lesbian Resources', including resources for Francophones. The authors suggest that a revised edition may be forthcoming to address some of the gaps that they have acknowledged, for instance stories from lesbians about the impact of racism and disability and other forms of oppression, and to update resources and incorporate new information.

x. Towards True Equity by Janet Willis, Human Resource Consultant, Centennial College. Prepared for The Association of Canadian Community Colleges, February, 1993

To order, contact:

Association of Canadian Community Colleges
1223 Michael Street N., Suite 200
Ottawa, Ontario K1J 7T2
Telephone: (613) 746-5916
Fax: (613) 746-6721

The aim of this guide is to provide colleges with suggestions and a process for developing a comprehensive race and ethnic relations policy. The development of the policy is seen as both a statement of values and a tool for pro-actively redesigning a college/institute's culture to meet the challenge of diversity. The guide is also useful in looking at other types of policies such as education and employment equity, sexual harassment, HIV/AIDS, etc. The process that is outlined in the guide can be transferrable to other organizations that are involved in similar policy development activities and the techniques illustrated in the guide can be utilized as independent activities to inform and educate a variety of audiences on issues of cultural diversity. Colleges can use this guide in different ways and in a different order, depending on their current stage of policy development. However, the guide was designed to be used by one designated facilitator/catalyst/change agent per college who was trained at a train-the-trainers regional workshop held in 1993. In spite of that, the guide remains extremely helpful for anyone involved with policy development. There is a detailed contents page and tab/dividers so browsing to particular sections is easy.

3.5 SOME ADDITIONAL READINGS

The following books and articles were selected for their currency and cover a broad cross-section of issues related to harassment and discrimination. Some older titles are included because of the subject matter they cover. The bibliography is not, nor was it intended to be, comprehensive or exhaustive.

BOOKS

Abella, Irving and Harold Troper. None is too Many: Canada and the Jews of Europe 1933-1948. 3rd ed. Toronto: Lester Publishing Ltd., 1991.

Adachi, Ken. The Enemy That Never Was: A History of the Japanese Canadians. Toronto: McClelland and Stewart, 1976.

Adams, Howard. Prison of Grass: Canada from a Native Point of View. Rev. ed. Saskatoon: Fifth House Publishers, 1989.

Aggarwal, Arjun P. Sexual Harassment in the Workplace. 2nd ed. Toronto: Butterworths, 1992.

Amin, Samir. Eurocentrism. New York: Monthly Review Press, 1989.

Arnold, Rick et al. Educating for a Change: a Handbook for Community Educators. Toronto: Between the Lines and Doris Marshall Institute for Education and Action, 1991.

Audit of Anti-Semitic Incidents, 1993. Toronto: League for Human Rights of B'nai Brith Canada, 1994.

Bannerji, Himani ed. Returning the Gaze: Essays on Racism, Feminism and Politics. Toronto: Sister Vision, 1993.

Banton, Michael. Racial Consciousness. New York: Longman Inc., 1986.

Barrett, Stanley R. Is God a Racist? The Right Wing in Canada. Toronto: The University of Toronto Press, 1987.

Berger, Thomas. A Long and Terrible Shadow: White Values, Native Rights in the Americas, 1492-1992. Vancouver: Douglas and McIntyre, 1991.

Berman, Richard J. The Heritage Front Report, 1994. Toronto: League for Human Rights of B'nai Brith Canada, 1994.

Bickenbach, Jerome E. *Physical Disability and Social Policy*. Toronto: University of Toronto Press, 1993.

Bishop, Anne. *Becoming an Ally: Breaking the Cycle of Oppression*. Halifax: Fernwood Publishing, 1994.

Bolaria, B. Singh and Peter Li. *Racial Oppression in Canada*. Toronto: Garamond Press, 1985.

Bourne, Paula et al, ed. *Feminism & Education: A Canadian Perspective*. Vol. 2. Toronto: Centre for Women's Studies in Education, OISE, 1994.

Bristow, Peggy et al, ed. *We're Rooted Here and They Can't Pull Us Up: Essays in African Canadian Women's History*. Toronto: University of Toronto Press, 1994.

Canadian Research Institute for the Advancement of Women. *Learning from Diversity*. Ottawa: November, 1992.

Cohen, Phil. *Monstrous Images, Perverse Reasons: Cultural Studies in Anti-Racism Education*. London: Institute of Education, University of London, 1991.

Commission des droits de la personne du Québec, Comité de consultation. *De l'illgalit l'égalité: rapport de la consultation publique sur la violence et la discrimination envers les gais et lesbiennes*. Montréal: the Commission, 1994.

Commission des droits de la personne du Québec, Comité de consultation. *From Illegality to Equality: Report on the Public Consultation on Violence and Discrimination against Gays and Lesbians: Excerpts*. Montreal: the Commission, 1994.

Dagg, Anne Innis and Patricia J. Thompson. *MisEducation: Women and Canadian Universities*. Toronto: OISE Press, 1988.

Davis, Laura M. *Homophobia/homosexism and Gender Role Rigidity: A Study in the Social Construction and Control of Masculinity*. Ottawa: National Library of Canada, 1993.

Epstein, Debbie ed. *Challenging Lesbian and Gay Inequalities in Education*. Philadelphia: Open University Press, 1994.

Hooks, Bell. *Yearning: Race, Gender and Cultural Politics*. Toronto: Between the Lines, 1990.

Hooks, Bell. *Black Looks: Race and Representation*. Toronto: Between the Lines, 1992.

Hooks, Bell. Talking Back: Thinking Feminist, Thinking Black. Toronto: Between the Lines, 1989.

Human Rights Research and Education Centre. Technical Report. (Unedited Version) Complaint and Redress Mechanisms Relating to Racial Discrimination in Canada and Abroad. Vol. 2. Research Statistics and Evaluation Directorate, 1994.

James, Carl E. and Adrienne Shad ed. Talking about Difference: Encounters in Culture, Language and Identity. Toronto: Between the Lines, 1994.

James, Carl E. Making It: Black Youth, Racism and Career Aspirations in a Big City. Oakville: Mosaic Press, 1990.

James, Carl E. Seeing Ourselves, Exploring Race, Ethnicity and Culture. Sheridan College, 1989.

Kaye-Kantrowitz, Melanie. The Issue is Power: Essays on Women, Jews and Violence. San Francisco: Aunt Lute Foundation Books, 1992.

Kirk, Marshall and Hunter Madsen. After the Ball: How America will Conquer its Fear and Hatred of Gays in the '90s. New York: Doubleday, 1989.

Kovach, Karen. Handbook for Students in the Program for Students with Learning Disabilities. Edmonton: Office of Services for Students with Disabilities, University of Alberta, 1993.

Lowes, Warren. Indian Giver: A Legacy of North American Native Peoples. Pentiction: Theytus Books, 1986.

Miles, Robert. Racism. New York: Routledge, 1989.

Mukherjee, Alok and Barb Thomas. A Bibliography on Racism, Anti-Racism and Educational Practices. Toronto: Doris Marshall Institute for Education and Action, 1991.

Multiculturalism and Citizenship Canada. Eliminating Racial Discrimination in Canada: The Challenge and the Opportunity. Ottawa: Ministry of Supply and Services, 1989.

Multiculturalisme et Citoyenneté Canada. Élimination de la Discrimination Raciale au Canada. Le Défi et la Possibilité de la Relever. Ottawa: Ministre des Approvisionnements et Services, 1989.

National Symposium for University Presidents on Institutional Strategies for Race and Ethnic Relations at Canadian Universities - Proceedings - Report of a Symposium held at Queen's University, February 2-4, 1992. Kingston: Queen's University, 1993.

Oikawa, Mona et al. Out Rage: Dykes and Bis Resist Homophobia. Toronto: Women's Press, 1993.

Ontario Anti-Racism Secretariat. A Guide to Key Anti-Racism Terms and Concepts. Toronto: the Secretariat, 1992. Published in French as: Recueil de termes et conceptes clés en matiere d'antiracisme.

Ontario Women's Directorate. Employer's Guide - A Time for Action on Sexual Harassment in the Workplace. Toronto: the Directorate, 1993.

Ontario Ministry of Citizenship. Employment Equity in Action: An Overview of Ontario's Employment Equity Regulations. Toronto: the Ministry, 1994.

Remedies for Racism and Sexism in Colleges and Universities. Conference Proceedings, Fanshawe College. April 29, 30, May 1, 1991.

Rothenberg, Paula S., ed. Race, Class and Gender in the United States: an Integrated Study. 2nd ed. New York: Saint Martin's Press, 1992.

Spender, Dale. Man Made Language. 2nd ed. London: Routledge and Kegan Paul Ltd., 1985.

Three Rivers, Amoja. Cultural Etiquette. Indian Valley, Virginia: Market Wimmin, 1991.

Troyna, Barry. Racism and Education: Research Perspectives. Toronto: OISE Press, 1993.

Verrall, Catherine et al, ed. Resource/Reading List: Annotated Bibliography of Resources by and about Native People. 3rd ed. Toronto: Canadian Alliance in Solidarity with Native Peoples, 1990.

Wannell, Ted and Nathalie Caron. A Look at Employment Equity Groups Among Recent Post-Secondary Graduates: Visible Minorities, Aboriginal Peoples, and the Activity Limited. Ottawa: Statistics Canada, 1994.

Whyte, Lillian A. et al. Faculty Guide for Teaching Postsecondary Students with Learning Disabilities. Edmonton: Office of Services for Students with Disabilities, University of Alberta, 1993.

Whyte, Lillian A. et al. Identifying and Diagnosing Postsecondary Students With Learning Disabilities. Edmonton: Office of Services for Students with Disabilities, University of Alberta, 1992.

Whyte, Lillian A. et al. Resource Handbook: Tutoring Postsecondary Students with Learning Disabilities. Edmonton: Office of Services for Students with Disabilities, University of Alberta, 1993.

Whyte, Lillian A. et al. Instructing Postsecondary Students with Learning Disabilities. Edmonton: Office of Services for Students with Disabilities, University of Alberta, 1993.

Whyte, Lillian A. et al. Introduction to the University of Alberta Program for Students with Learning Disabilities. Edmonton: Office of Services for Students with Disabilities, University of Alberta, 1993.

Young, David E. and Jean-Guy Goulet. Being Changed by Cross Cultural Encounters: The Anthropology of Extraordinary Experience. Peterborough: Broadview Press, 1994.

Yuditsky, Ilanna. Effective Empowerment: Strategies For Making Education Accessible For Persons With Disabilities. Canadian Rehabilitation Council, 1992.

ARTICLES

Bridges, Cliff. "The right words! Describing students with disabilities", ATA Magazine, Vol. 72(3), March/April, 1992, pp 35-36.

Center for Teaching International Relations. "International Dimensions to Racial and Ethnic Problems", Global Dimensions, Vol. 1, March, 1972.

Dalton, Jon C. ed. "Racism on Campus: Confronting Racial Bias Through Peer Interventions", New Directions for Student Services, No. 56, San Francisco: Jossey-Bass Inc., Winter, 1991.

Dei, George. "Anti-Racist Education: Working Across Differences", ORBIT, Vol. 25 (2), 1994.

Demas, Doreen. "Triple jeopardy: Native women with disabilities", Canadian Woman Studies, Vol.13(4), Summer, 1993, pp 53-55.

Driedger, Diane. "Women with disabilities: naming oppression", Resources for Feminist Research, Vol. 20(1/2) Spring/Summer, 1992, pp 5-9.

Etobicoke Board of Education. New Dimensions: Anti-Racist Education, Vol 5(1) Fall, 1991.

Hill, Jennifer L. "Accessibility: students with disabilities in universities in Canada", Canadian Journal of Higher Education, Vol. 22(1), 1992, pp 48-83.

Jacobs, Alice E. and Hendricks, Deborah J. "Job Accommodations for Adults with Learning Disabilities: Brilliantly Disguised Opportunities", Learning Disability Quarterly, Vol. 15(4), Fall 1992, pp 274-285.

Lamy, Paul. "Offenders, Victims and Academic Freedom", Society/Société, Vol. 18(2), 1994, pp 9-11.

Lecker, Carolyn. "DAT's (Disability Awareness Training) an Attitude", Rehabilitation Digest, Vol. 22(1), Spring, 1991, pp 15-16.

Malec, Christine. "The double objectification of disability and gender", Canadian Woman Studies, Vol.13(4), Summer, 1993, pp 22-23.

Minh-ha, Trinh T. "Differences: A Special Third World Woman Issue", Feminist Review, No. 5, March, 1987.

Mohanty, Chandra Talpade. "On Race and Voice: Challenges for Liberal Education in the 1990's", Cultural Critique, Winter, 1989-1990.

Narayan, Uma. "Working Together Across Difference: Some Considerations on Emotions and Political Practice", Hypatia, Vol 3(2), Summer, 1988, pp 31-47.

National Association for Women Deans. "Special Issue: Harassment, Part I", Initiatives, Vol 52(3), Washington: Fall, 1989.

National Association for Women Deans. "Special Issue: Harassment, Part II." Initiatives. Vol 52(4), Washington: Fall, 1989.

Pothier, Dianne. "The first step is to be noticed: persons with disabilities are not expected to accomplish anything of significance, if you have achieved anything of note, you cannot really be `disabled", Canadian Woman Studies, Vol.13(4), Summer, 1993, pp 16-17.

Reyes, María de la and John J. Halcón. "Racism in Academia: The Old Wolf Revisited", Harvard Educational Review, Vol. 58(3), August, 1988, pp 299-314.

Rothenberg, Paula. "Integrating the Study of Race, Gender, and Class: Some Preliminary Observation", Feminist Teacher, Vol. 3(3), p37-42.

Scott, Kelly. "Women, Education and Disability Research Project: the Effects of Post-secondary Education on the Lives of Women with Physical Disabilities", Canadian Woman Studies, Vol. 3(4), Summer, 1993, pp. 93-95.

Shea, Christopher. "`Invisible' Maladies", Chronicle of Higher Education, Vol. 41(2), Sept. 7 1994, pp A53,55.

Sheppard, Colleen & Sara Westphal. "Equity and the University: Learning from Women's Experience", Canadian Journal of Women and the Law, Vol 5(1), 1992, pp 5-36.

Srivastava, Sarita. "Voyeurism and Vulnerability. Critiquing the Power Relations of Anti-Racist Workshops." Canadian Woman Studies. Vol. 14(2), York University, April 1994.

Thomas, Barb. "Principles of Anti-Racist Education", Currents, Vol 2(3), Fall, 1984, pp. 20-24.

VanEvery, Jo. "Crying Wolf about Academic Freedom. A Response to Paul Lamy", Society/Société, Vol. 18(3), pp 13-14.

Walker, Cathy. "The Employment Rights of People with Disabilities: a Union Perspective", Rehabilitation Digest, Vol. 20(4), Winter 1990, pp 14-19.

Yuditsky, Hanna. "Effective Empowerment: Improving Services for Students with Disabilities", Rehabilitation Digest, Vol. 22(1), Spring, 1991, pp 9-10.

Yuditsky, Sharon I. "Some Notes on Educational Equity and Persons with Disabilities", Rehabilitation Digest, Vol. 24(2), September, 1993, pp 3-5.

3.6 VIDEOTAPES AND FILMS

Video and film distributors produce catalogues, some on specific topics, of titles which are available. A list of some of the major distributors appears below. Readers are encouraged to contact distributors directly to receive catalogues and publicity about new productions. Also included is contact information for some organizations who have produced and distribute their own videos and films.

1. BBC International Tele-Film
5090 Explorer Dr., Suite 301
Mississauga, Ontario
L4W 4T9
Tel: 905-629-3133
or 1-800-561-4300
FAX: 905-629-1211

2. Coalition for Lesbian/Gay Rights in Ontario
Box 822, Station A
Toronto, Ontario
M5W 1G3
(416) 533-6824

CLGRO has produced a slide show which is available in video format. **Can We Talk?** is 31 minutes long and deals with 10 myths about lesbians/gay males. Rental $25 per showing; purchase $100; free previews.

3. Films for the Humanities and Sciences
P.O. Box 2053
Princeton
New Jersey 08543-2053
USA
Tel: 1-800-257-5126 (8:30 a.m.-5:30 p.m. EST)
FAX: 1-609-275-1767 (24 hours)

Although the focus of films and videos available from this distributor is American, there are numerous programs which deal with sexism, sexual harassment and racism.

4. League for Human Rights of B'nai B'rith Canada
15 Hove Street
Downsview, Ontario
M3H 4Y8
Tel: (416)633-6224
Fax: (416)630-2159

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Short public service announcements are available from the League.

5. Magic Lantern Communications Ltd.
#38-775 Pacific Rd.
Oakville, Ontario
L6L 6M4
Tel: 905-827-1155
or 1-800-263-1717
FAX: 905-827-1154

6. National Film Board of Canda
Customer Services, D-10
P.O. Box 6100, Station Centre Ville
Montreal, P.Q.
H3C 3H5
Tel: 1-800-267-7710
FAX: 514-496-2573

In addition to its annual catalogue, the NFB produces a newsletter called Zoom In twice a year.

Pour obtenir de l'information en francais, communiquer aver:

ACTION!
Office national du film du Canada
1564, rue St-Denis
Montreal, P.Q.
H2X 3K2

7. National Association of Friendship Centres
251 Laurier Ave. West
6th Floor
Ottawa, Ontario K1P 5J6

Short public service announcements are available from the Association.

8. TV Ontario
Customer Service
2190 Yonge Street, 4th Floor
Box 200, Station Q
Toronto, Ontario M4T 2T1
Tel: (416) 484-2600
or 1-800-463-6886
Fax: 416-484-4425

9. Visual Education Centre
41 Horner Ave., Unit 3
Toronto, Ontario
M8Z 4X4
Tel:1-800-668-0749
FAX: 416-251-3720

4.0 APPENDIX

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4.1 POST-SECONDARY ANTI-HARASSMENT AND DISCRIMINATION PROJECT COORDINATING COMMITTEE/COMITÉ COORDONNATEUR DU PROJET DE PRÉVENTION DU HARCÈLEMENT ET DE LA DISCRIMINATION AU PALIER POSTSECONDAIRE

George Bancroft,	Ontario Council on University Affairs
Joy Cohnstaedt,	Ontario Council on University Affairs
Heather Dryden	Network of University and College Anti-Racism Offices
Colleen Evetts	Ontario Council of Regents/Ontario Council on University Affairs
Joan Grant-Cummings	Co-chair, Ontario Council of Regents
Paul Hamilton	Ontario Community College Student Parliamentary Association
Ruth Hamilton	Ontario Public Service Employees Union
June Heaven	Ontario Public Service Employees Union
Barbara Johns	Confederation of Ontario University Staff Association
Richard Johnston	Chair, Ontario Council of Regents
Norma McRae-Ward	Ontario University Employment and Education Equity Network
Lyne Michaud	Council for Franco-Ontarian Education
Joanne Nother	Association of Colleges of Applied Arts and Technology of Ontario
Helen Ofosu	Ontario Graduate Association
William Owen	Ontario Council on University Affairs
Taz Pirmohamed	Ontario Undergraduate Student Alliance
Fred Roy	Ontario Public Service Employees Union
Anver Saloojee	Ontario Confederation of University Faculty Associations
Laura Selleck	Council of Ontario Universities
Susie Vallance-Macias	Association of Colleges of Applied Arts and Technology of Ontario
Libby Walters	Ontario Public Service Employees Union
Gary Warner	Co-chair, Ontario Council on University Affairs
Karen Wheeler	Ministry of Education and Training

4.2 LIST OF ADVISORY COMMITTEE MEMBERS

Kate Beatty	Georgian College
Sly Castaldi	University of Guelph
Pauline Chenier	Georgian College
Philip Desjardins	Philip Desjardins Productions
Carm De Santis	University of Guelph
Jim Dumont	Laurentian University
Alan Filewod	University of Guelph
Judy Gould	Wilfrid Laurier University
Pat Hock	University of Guelph
Loraleigh Keashly	University of Guelph
Elaine Kelly	Georgian College
Mary King	Georgian College
Ruthanne Krant	Georgian College
Maureen Levinas	University of Guelph
Greg McGregor	Anishnabe Education and Training Circle
Don McIntosh	University of Guelph
Lynne McNab	Wilfrid Laurier University
Malubungi Mueni	Le Collège des Grands Lacs
Leslie O'Dell,	Wilfrid Laurier University
Marlene Pfaff	University of Guelph
Fred Ruemper	Georgian College
Ken Simon	Humber College
T. Sher Singh	T. Sher Singh, Barrister and Solicitor
Louise Stuart	Conestoga College

4.3 MEMBRES DU COMITÉ FRANCOPHONE

Hélène Carrière	Université of Ottawa
Diane Roller	Université of Ottawa
France Corbeil	Université of Ottawa
Rozane Lépine	Université of Ottawa
Marie-Jude Étienne	La Cité collégiale
Georges Daoust	Le collége d'Alfred
Ian Martin	College Glendon
Pauline Chenier	Georgian College
Malubungi Mueni	Le Collège des Grands Lacs

4.4 BUTTON AND POSTER CONTEST WINNERS

PAHDPCC received 186 entries in the Button and Poster Contest. The winning entries were:

1st Prize	**Ron Smrczek & Treena VanMaanen Conestoga College, and Melissa Dietrich & Amy Zoeller Conestoga College**
2nd Prize	**Kimberly Foote Conestoga College**
3rd Prize	**Michelle Hemsworth & Matthew Litzinger George Brown College**
4th Prize	**Erick Pasibi George Brown College**
5th Prize	**Ryan Spencer & Jared Smith Conestoga College**